

**U. S. Department of Transportation  
Federal Highway Administration**

**Record of Decision**

**Route Location, Adoption, and Construction of State Route 125  
Between Route 905 on Otay Mesa and Route 54 in Bonita/Spring Valley  
San Diego County, California  
KP 0.0 - 18.02 (PM 0.0 to 11.2)**

**Decision** 

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The selected alternative for the Route 125 South Project consists of the tollway operational alternative along the Brown Field Modified Revised, Otay Ranch, EastLake, Horseshoe Bend Modified and Conduit Road East segments. The final Environmental Impact Statement (FEIS) prepared by the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) (FHWA-CA-EIS-96-01-F) identified this operational and routing option as the preferred alternative.

The selected alternative involves the construction of Route 125 South from Route 905 (Otay Mesa Road) on Otay Mesa to Route 54 in Bonita/Spring Valley, a distance of approximately 18 kilometers (11.2 miles). Ultimately, from Olympic Parkway to Route 54, the project will consist of up to eight mixed flow lanes and a median wide enough to accommodate two possible High Occupancy Vehicle (HOV) lanes or transit facilities in the future. From Otay Mesa Road to Olympic Parkway, the project will consist of six mixed flow lanes and a wide median to accommodate two possible HOV lanes or transit facilities in the future. Proposed interchanges, both initially constructed and future, are as follows; Route 54; Mount Miguel Road, East "H" Street, Telegraph Canyon Road/Otay Lakes Road, Olympic Parkway, Birch Parkway, Rock Mountain, Otay Valley Road, Lonestar Road, Otay Mesa Road and Route 905.

Initially, the selected alternative would be constructed as a four-lane, controlled-access highway, with local interchanges at Telegraph Canyon Road/Otay Lakes Road, East "H" Street, Olympic Parkway and future Mount Miguel Road<sup>1</sup> with a freeway to freeway interchange with Route 54. The initial southern terminus would consist of a local street connection at Otay Mesa Road and a transition to existing Route 905, south of Otay Mesa Road. The future Lonestar Road interchange will be constructed as part of the initial Route 125 South project if it is funded by and approved as part of the Brown Field Aviation Center Project.

Three other local interchanges as well as a freeway to freeway interchange with Route 905 are included within the selected alternatives project's design, but will be approved and constructed by others in the future. An interchange at future Otay Valley Road is addressed in the Otay Ranch EIR. A freeway to freeway interchange at future Route 905 is planned and no right-of-way will be acquired for the Route 905 project as part of the Route 125 South tollway. Route 905 will be analyzed in a separate environmental document (EIS) prepared by Caltrans that has a tentative date of fall 2000 for the public circulation of the DEIS. Additional interchanges would be constructed by others within the project right-of-way at future Rock Mountain Road and future Birch Parkway.

The future local interchanges by others at Birch Parkway, Rock Mountain Road, and Otay Valley Road, as well as any other additional interchanges added to Route 125 South within the project limits of this approval, shall be approved by Caltrans only after it has been thoroughly demonstrated that they are planned, designed, and will be constructed so that waters of the United States, including wetlands and other aquatic resources within the limits of or directly affected by these interchanges are avoided if practicable, or impacts minimized if avoidance is not practicable, and that any impacts (if any) be mitigated to the extent practicable. "Practicable" in this context is defined by the Section 404(b)(1) guidelines issued by the Environmental Protection Agency. The future interchange between Route 125 South and Route 905 will also be planned, designed, and constructed in this manner.

The potential direct and indirect impacts of the future interchanges at Lonestar Road, Birch Parkway, Rock Mountain Road and Mount Miguel Road with Route 125 South were evaluated and considered in making the project approval decision.

Please see Section 2.2 of the FEIS for additional details regarding the selected alternative.

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<sup>1</sup> Note: At the time of the FEIS, the interchange with future Mount Miguel Road would be constructed as part of the initial State Route 125 South project only if the City of Chula Vista approved and certified the Final Environmental Impact Report (FEIR) for the San Miguel Ranch Section Planning Area (SPA) and tentative maps prior to construction of Route 125 South. The City of Chula Vista has since approved and certified the San Miguel Ranch environmental document.

Caltrans will provide information about aquatic resources within the project area. This data will be collected from currently available information, focusing on the type of water resources at issue and the magnitude (quantification) of potential loss of such resources due to filling or dredging.

We received various comments regarding the FEIS including suggestions that a supplemental document should be prepared. The information presented in the FEIS leading to the identification of the preferred alternative was the most current and reliable available at that time. Since the FEIS was made available for review and up to the preparation of the Record of Decision (ROD) and selection of the preferred alternative, no significant new or additional information has been found or provided that would alter our decision on the selected alternative, therefore, a supplemental is not warranted.

## **Alternatives Considered**

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The following alternative segments were studied during project development and environmental analysis. Refer to the referenced FEIS sections for additional information.

### **Build Alternatives:**

Alternatives discussed in the FEIS include:

1. Brown Field (BF), Otay Ranch (OR), EastLake (EL), Proctor Valley West (PVW)/Conduit Road (CR), Conduit Road East (CRE)
2. Brown Field, Otay Ranch, EastLake, Proctor Valley West/Conduit Road, Conduit Road West (CRW)
3. Brown Field, Otay Ranch, EastLake, Horseshoe Bend (HB), Conduit Road East
4. Brown Field, Otay Ranch, EastLake, Horseshoe Bend Modified (HBM), Conduit Road West
5. Brown Field Modified Revised (BFMR), Otay Ranch, EastLake, Proctor Valley West/Conduit Road, Conduit Road East
6. Brown Field Modified Revised, Otay Ranch, EastLake, Proctor Valley West/Conduit Road, Conduit Road West
7. Brown Field Modified Revised, Otay Ranch, EastLake, Horseshoe Bend Modified, Conduit Road East
8. Brown Field Modified Revised, Otay Ranch, EastLake, Horseshoe Bend Modified, Conduit Road West

9. Brown Field, Otay Ranch, EastLake, Horseshoe Bend/Citizens Advisory Committee Variation (HB/CAC)
10. Brown Field Modified Revised, Otay Ranch, EastLake, Horseshoe Bend/Citizens Advisory Committee Variation

### **No Project/No Build Alternative**

This alternative assumed that no highway or prime arterial would be constructed in the Route 125 South corridor. Only the existing and future planned local street and highway system would serve traffic demand. Details of the future system, including the Chula Vista Interim Plan, are provided below. Analysis of this alternative assumes these improvements will be in place by the year 2015.

For comparison purposes, the No Build Alternative assumes the following future roadway improvements. Unless stated below, the roadways currently do not exist.

- Route 54 as six lane freeway between Interstate 805 to Route 94 (currently six lanes)
- Route 905 as a six lane arterial between I-805 to US/Mexican Border
- Route 125 as eight lane freeway between Route 54 and Route 94

#### Otay Mesa Area

- Otay Mesa Road (existing Route 905) as a six lane arterial from I-805 to San Ysidro Boulevard (currently six lanes)
- La Media Road as a four lane major arterial from Otay Mesa Road to Otay Valley Road and as a six lane arterial from Otay Valley Road to Telegraph Canyon Road (currently a two lane road to Brown Field boundary)

#### City of Chula Vista Area

- Otay Valley Road as a six lane prime arterial from I-805 to La Media
- Rock Mountain Road as a four lane major arterial from Otay Valley Road to Hunte Parkway
- Birch Parkway as a four lane major arterial from just west of La Media to Hunte Parkway
- Hunte Parkway as a six lane major arterial from Rock Mountain Road to Telegraph Canyon Road
- Olympic Parkway as a six lane expressway from I-805 to EastLake Parkway

- EastLake Drive as a three lane collector from Otay Lakes Road to north of East "H" Street
- Paseo Ranchero as a six lane major arterial from Otay Valley Road to Telegraph Canyon Road.
- Telegraph Canyon Road as a six lane arterial from I-805 to Hunte Parkway (currently six lanes)
- East "H" Street as a six lane arterial from I-805 to Hunte Parkway (currently four lanes from Mt. Miguel Road to 805)

#### Bonita/Sunnyside Area

- Bonita Road as a four lane major arterial from I-805 to San Miguel Road (currently two lanes east of Otay Lakes Road)
- Sweetwater Road as a four lane collector from east of I-805 to Route 54 (currently two lanes)
- San Miguel Road as a two lane collector from Bonita Road to east of the Sweetwater Reservoir (currently two lanes)
- Briarwood Road as a four lane collector from Sweetwater Road to Route 54 (currently two lanes)
- Proctor Valley Road as a six lane arterial from Mt. Miguel Road to Hunte Parkway (currently two lanes)

#### Chula Vista Interim Plan

The City of Chula Vista has developed an "Interim State Route 125 South Facility Feasibility Study," which recommends a plan for implementing a series of local street improvements if Route 125 South is not constructed by 2000 (see Section 1.6 of the FEIS "Related Transportation Projects" for further details). With the exception of one street segment (Segment 5), all of the proposed construction in the plan would be pursued at some point in the future regardless of the construction of Route 125 South. Therefore, it is appropriate to designate "Segment 5," a new 15.8 meters (52 foot) wide roadway in the Route 125 South reserved corridor from Proctor Valley Road to EastLake Parkway, as part of the No Build Alternative.

## **Alternatives Considered but Withdrawn before the Draft EIS**

Other alternatives evaluated during the development of the project included: Johnson Canyon, Substation, Horseshoe Bend Variation, Proctor Valley East, Golf Course, E-1, E-4, E-5, E-9, San Miguel Road Interchange, W-2, and W-3. These alternatives were withdrawn because they did not meet the purpose and need identified for the proposed action and/or had greater environmental impacts. Please see Section 2.5 of the FEIS and the Draft and Final Alternatives Reports (July 1993 and August 1993, respectively) for further information regarding these alternatives.

## **Basis for the Decision**

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All of the alternatives studied would have effects on the environment. The decision to select the tollway operational alternative along the Brown Field Modified, Otay Ranch, EastLake, Horseshoe Bend Modified, and Conduit Road East segments represents the collaborative work of FHWA and Caltrans to identify and select an alternative which minimizes environmental and community impacts and complies with the requirements of federal and state law and accomplishes the projects purpose and need. This decision is also based on the comments received from the public, federal and State resource/regulatory agencies, and elected officials on the Draft EIS (DEIS), the Supplemental Draft EIS (SDEIS) and the Final EIS. The decision also reflects the results of the coordination with various federal agencies including: U.S. Fish and Wildlife Service (FWS), the U.S. Army Corps of Engineers (COE), the U.S. Environmental Protection Agency (EPA), the Department of Interior-National Park Service (DOI-NPS), and the Federal Aviation Administration (FAA).

This decision is fully consistent with NEPA and all other applicable laws and requirements, including, but not limited to, Section 7 of the Endangered Species Act, Section 4(f) of the Department of Transportation Act, Section 404 of the federal Clean Water Act, the National Historic Preservation Act, Section 176 of the federal Clean Air Act and the NEPA/404 Memorandum of Understanding (Interagency MOU for the preparation and processing of NEPA documents and Section 404 evaluations and permits for surface transportation projects). In accordance with the requirements of 23 U.S.C. 109(h), the decision was made in the best overall public interest taking into account the need for fast, safe, and efficient transportation; public services; the costs of eliminating or minimizing adverse effects; and a broad array of social, economic, and environmental effects, including the destruction or disruption of man-made and natural resources, aesthetic values, community cohesion and the availability of public facilities and services; injurious displacement of people, businesses and farms; and disruption of desirable community and regional growth.

The following discussion addresses the most important and specific considerations related to the alternatives and impacts analyzed in the EIS and in reaching a decision on the selected alternative. These considerations include transportation planning goals and needs, community impacts, Section 4(f) impacts, impacts to natural and biological resources and impacts to wetlands/waters of the U.S..

## Purpose and Need

The fundamental purpose for pursuing this project has been to serve the critical transportation needs in the South Bay region of San Diego County. The Congress provided the metropolitan transportation planning process (23 U.S.C. 134) as the mechanism for evaluating transportation needs and proposing transportation improvements in metropolitan areas. Consistency with this federally required transportation planning process is a prerequisite for federal funding of this transportation project.

Route 125 has been part of the California freeway/expressway system since 1959. The California Transportation Commission (CTC) adopted the Route 125 South location in the mid-1960s. The Route Adoption was rescinded by the CTC in 1976 because there was no funding for the project and maintaining a Route in a undeveloped area was considered premature. In 1984, the San Diego Association of Governments (SANDAG) added Route 125 South to the Regional Transportation Plan (RTP) as a part of San Diego County's future freeway system. This facility was added to serve the South Bay's growing population, employment projections, and service to the international border with Mexico.

The 2020 RTP was adopted by SANDAG on February 25, 2000. On April 13, 2000 FHWA and FTA made a joint air conformity determination on the 2020 RTP. The 2020 RTP includes Route 125 South as an initial four lane facility with future upgrading to eight lanes in the north and six lanes south of Olympic Parkway. The RTP also contemplated future expansion to include two HOV lanes or transit after 2020. The RTP identifies transportation projects needed to significantly improve transportation over the next two decades and is consistent with the Regional Growth Management Strategy and "smart growth" policies established for the region. Route 125 South is included in the RTP to meet the following deficiencies:

- A growing use of the local street circulation system for regional trips, leading to congestion of many streets and out of direction travel (increased travel distance). Year 2015 traffic projections with the construction of Route 125 South indicate volume reductions and Level of Service (LOS) improvements for many local streets throughout the project corridor when compared to the No Build Alternative. See Section 1.2 of the FEIS for further details.
- Increasing congestion on the regional transportation system, including Interstates 5 and 805. Construction of the tollway would reduce the length of time these facilities operate at LOS "F." See Section 1.8 of the FEIS for additional details.
- Additional trips generated by extensive existing and approved planned development. The proposed project was developed concurrently with other extensive development activities planned in the project area. These development plans included Route 125 South and/or other transportation facilities as infrastructure mitigation to accommodate their build out. See Section 1.6 of the FEIS for additional details.

- Inadequate regional access to the Otay Mesa area and its International Border Crossing. Route 125 will provide additional alternative access to the Otay Mesa area and the Border Crossing. When major incidents occur on Otay Mesa Road (the only existing access to the area), traffic may be halted for hours, including the movement of international goods through the Border Crossing and access to Otay Mesa for U.S. Immigration and Naturalization Service/Border Patrol, U.S. Customs, California Highway Patrol, Donovan State Prison employees, and other various emergency services critical to the security of the area. Otay Mesa Road was recently widened to six lanes west of La Media Road. Route 905, a proposed six lane highway from I-805 to the Otay Mesa Point of Entry, will also provide traffic and accident relief; however, Route 905 is only partially funded in the 1998-2004 RTIP and would not be constructed until 2006. Even when Route 905 is constructed, Route 125 will provide a new, direct connection to and from the north (to SR 54, SR 94, I-8 and SR 52), while Route 905 will provide a connection to the west (to I-805 and I-5). See Section 1.2 of the FEIS for additional details.
- Increased traffic crashes associated with congestion and use of local streets for regional trips. The transfer of trips from local circulation to the regional highway system is also expected to result in a reduction of vehicular accidents. The accident rates (per million vehicle-miles traveled) for local streets in suburban areas are approximately two to five times greater than for a typical suburban freeway-type facility. For the Tollway Alternative, VMT for the local circulation system is expected to be reduced by an average of approximately 625,000 vehicle-miles per day between 2000 and 2015. This would result in a net reduction of approximately 5,300 accidents and 500 fatalities during this 15 year period. Please see Section 1.2 of the FEIS for additional information.
- An incomplete and inadequate regional highway system. The proposed highway is an important link in the "Outer Loop" freeway system included in the adopted San Diego Association of Governments Regional Transportation Plan. See Section 1.3 of the FEIS for further details.

On October 5, 1998, FHWA and FTA made a joint air quality conformity determination of the 1998-2004 Regional Transportation Improvement Program (RTIP). The RTIP contemplates that the Project will be operated as a four lane facility during the RTIP period consistent with the approved RTP.

All of the routing alternatives identified in the FEIS were consistent with the RTP and RTIP and all met the transportation needs to a comparable degree. The selected alternative is consistent with the regional transportation planning process.



The No-Build Alternative, however, would not meet the regional transportation need. With the No Build Alternative, congestion would continue to increase on both regional and local facilities, including the I-5 and I-805. Implementation of this alternative would prevent the orderly provision of planned circulation routes to existing and future residences and business in the South County area. The No Build Alternative is inconsistent with all regional transportation planning programs, including the RTP and the RTIP, both developed by SANDAG, and the San Diego Regional Outer Loop system developed by Caltrans and local General Plan Circulation Elements.

The Tollway Alternative allows for more timely construction of Route 125 South due to the availability of funding. No funding has been identified for the Freeway Alternative and no funding is anticipated until 2015. Delaying the construction of the project until 2015 would be inconsistent with major development plans for the South Bay and the Otay Mesa areas, which have received entitlements and are consistent with the General Plans.

### **Community Impacts**

Important considerations in the alternative selection process is the number of effects to communities and people, such as noise, aesthetics, community cohesion, and residential and business displacements. The consideration of community impacts was most crucial to the selection of the northern routing option where the project affects the communities of EastLake and Bonita-Sunnyside. Most of the area in the southern portion of the project is currently undeveloped.

Because the community of EastLake was developed with a reserved corridor that could be used for the proposed highway, the EastLake segment, which utilizes this corridor, was the only segment studied from future Palomar Road to just north of East “H” Street, near the Salt Creek Development. This selected segment is compatible with the existing and planned development for EastLake. Moving this alignment east or west of where it is currently shown would not be considered prudent, since it would require substantial residential and business relocations and extraordinary community disruption. The facts in support of this determination are further described in the FEIS and the Section 4(f) Evaluation.

The selected alternative through the Bonita-Sunnyside area consists of the Horseshoe Bend Modified and Conduit Road East segments. The other four routing alternatives considered through the area included: Proctor Valley West/Conduit Road/Conduit Road West, Proctor Valley West/Conduit Road/Conduit Road East, Horseshoe Bend/Conduit Road West, and the Horseshoe Bend/Citizens Advisory Committee (CAC)Variation.

The routing options using the Proctor Valley West/Conduit Road segment would be the most harmful to the community and people of Bonita-Sunnyside and were not selected. The Proctor Valley West/Conduit Road segment would discontinue the physical structure of a portion of the community, breaking its continuity as it now exists. Not only would this alternative displace approximately 31 residences compared to 11 for the selected alternative, it would create a longitudinal barrier across the community. Even though access would be restored via an undercrossing at San Miguel Road, this would not mitigate the boundary the project would establish. Social interaction between elements of the community on opposite sides of the highway would be lessened and social contacts and relationships would be altered or possibly eliminated. This would be particularly true of the more pedestrian dependent elements of the population. The selected alternative skirts around the eastern edge of the Bonita-Sunnyside community, lessening the project's effect on community cohesion.

The Proctor Valley West/Conduit Road alternative would pass closest to the most densely populated area of the community. Proximity impacts such as noise and visual would be greater with this alternative. For example, the predicted noise level at the Bonita Highlands with the Proctor Valley West segment is 5 to 10 dBA more than that predicted with the Horseshoe Bend Modified segment, the selected alternative. The same is true for visual impacts; with the Proctor Valley West segment, approximately 610 residences would be within the viewshed of the project, while only about 370 residences are within the viewshed of the Horseshoe Bend Modified segment.

Concern regarding community impacts was also the reason the Conduit Road West segment was not selected. The Conduit Road West segment would remove three holes of play from the Bonita Golf Course. There is no vacant property adjacent to the golf course to replace the area that would be taken by the highway. Though it is a privately-owned facility, it is open to the public with green fees being some of most affordable in the County. Its banquet room is frequently used for community meetings and the course is valued by the community as open space. The owners of the Bonita Golf Course have indicated that if the Conduit Road West alternative was constructed, the Golf Course would have to be closed. The closure of the Bonita Golf Course could open this area to development and would cut off the continuity of the Sweetwater Valley "greenbelt" linking the San Diego Bay to the Sweetwater Park and open space areas to the east.

Overall, the selection of the Conduit Road West alternative would not be considered feasible and prudent, since it would require substantial residential and business relocations and extraordinary community disruption. The facts in support of this determination are further described in the FEIS and the Section 4(f) Evaluation.

The Horseshoe Bend/CAC Variation was also not selected. While the Horseshoe Bend/CAC Variation would reduce noise and visual impacts to the community slightly more than the selected alternative, it would have greater impacts to Section 4(f) resources and biological resources (including species protected under the federal Endangered Species Act) when compared with the selected alternative. (Please see discussion of Section 4(f) resources and biological resources which follows for additional information.) In addition, Sweetwater Authority and the community have expressed concern about any alignment that would be within or near the watershed of Sweetwater Reservoir. The Horseshoe Bend/CAC Variation would be closer to the reservoir than the selected alternative.

As previously stated, the selected alternative through the Bonita-Sunnyside community consists of the Horseshoe Bend Modified and Conduit Road East segments. The alignment for the Horseshoe Bend Modified segment was shifted approximately 80 m (260 feet) to the north, near San Miguel Road. By shifting the alignment in this location, direct impacts to a portion of San Miguel Road, three equestrian boarding and training facilities, and the Summit Park equestrian campsites (in Sweetwater Regional Park) were avoided. These were impacts identified in the DEIS for the Horseshoe Bend segment.

Design refinements in this segment have resulted in reduced grading requirements. By incorporating a split grade profile near Sweetwater Regional Park and separating the northbound and southbound lanes, the alignment has been modified to better blend with the existing topography in this area and reduce its visibility from the Park and adjacent community. Earthen berms that screen views of the roadway and provide additional sound attenuation have been incorporated.

Additionally, the northbound mainline toll plaza in the Bonita/Sunnyside community (identified in the DEIS) has been relocated to the Brown Field Modified Revised segment adjacent to the southbound mainline toll plaza. By removing this facility, potential visual and noise impacts associated with the mainline toll plaza have been avoided.

The Conduit Road East segment was selected because it is located farther away from the Bonita-Sunnyside community than the Conduit Road West segment and would have less noise and visual impacts to the community. The Conduit Road East segment would also require fewer residential and business displacements than the Conduit Road West segment and would not impact the Bonita Golf Course, an important recreational and open space resource in the area. As mentioned above, preserving the existence of the Bonita Golf Course is essential to maintain the continuous “greenbelt” between the Sweetwater Valley and open space areas to the east.

Although the Conduit Road East segment would have greater impacts to certain sensitive biological resources than the Conduit Road West segment (see discussion which follows), an appropriate mitigation package has been approved by the FWS in which they issued a “No Jeopardy Finding” pursuant to Section 7 of the Endangered Species Act (See Section 4.6, of the FEIS, for further discussion of the Section 7 consultation and Appendix I for a copy of the Biological Opinion). The FWS has also determined that the impacts of the selected alternative are “fully mitigated.”

## Section 4(f) Resources

Pursuant to Section 4(f) of the United States Department of Transportation Act (49 USC 303), the Secretary of Transportation will not approve any project:

*“...requiring the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge or national, State or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State or local officials having jurisdiction over the park, area, refuge, or site) unless (1) there is no prudent and feasible alternative to the using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use.”*

The Final Section 4(f) Evaluation (FEIS, Appendix A) documents compliance with Section 4(f) of the Department of Transportation Act. Where avoidance was not feasible and prudent, minimizing harm to Section 4(f) resources was given substantial weight in the design and selection of alternatives. In the northern portion of the project, there are Section 4(f) resources, including: the Sweetwater Regional Park, the Sweetwater Valley Little League Fields, the Grant House, the Sweetwater Regional Trail, the Proctor Valley Road Trail Corridor, the San Miguel Road Trail, the Southern Loop Trail, the San Miguel Road/Sweetwater Regional Trail Connection, the trail on the southern boundary of the Little League property, the Sweetwater Regional Trail, the Conduit Road/Northern Loop/Red Hill Trail, the Conduit Road Trail, and two trails in the Sweetwater River. The Final Section 4(f) Evaluation documents compliance with Section 4(f) for each of the above resources.

Although, as discussed in the previous section, the Horseshoe Bend/CAC Variation would have reduced noise and visual impacts to the Bonita-Sunnyside community, it was not selected due to its greater impacts to Sweetwater Regional Park. The Horseshoe Bend/CAC Variation would displace approximately 21 hectares (51 acres) of the park. The alignment would travel through the middle of the park and would physically separate portions of the park from each other and from the Sweetwater Reservoir.

The Horseshoe Bend/CAC Variation is the only northern alignment variation that would directly impact existing park improvements other than portions of hiking and riding trails. The existing ranger's residence would be directly impacted. Several trails and the proposed future campground in Area 20 would be directly impacted. By bisecting the park resource, the Horseshoe Bend/CAC Variation would preclude future park expansion, including the construction of the proposed recreational vehicle (RV) campground and associated restroom, play area facilities, rangers' residences, and maintenance building/yard. Additionally, the proposed amphitheater, activity building, footpath, and viewpoint would be located adjacent to the roadway right-of-way, and would be subject to noise and visual impacts.

The fragmentation and proximity impacts of the Horseshoe Bend/CAC Variation would affect the park's appeal to campers and other recreational users. In particular, it would separate the existing campground from the Sweetwater Reservoir and the important open spaces to the east. Even though the roadway would not be visible from the campground and from most areas in the park (as it is in cut), the alignment would present a psychological and physical barrier between the reservoir and the campground. Consequently, this could result in reduced usage of the park and economic losses. The severity of this potential impact is unknown.

Routing options using the Conduit Road West segment would impact from 5 hectares (12.5 acres) to 15 hectares (37 acres) of Sweetwater Regional Park. However, as discussed above, the Conduit Road West segment would have greater community impacts, including direct impacts to the Bonita Golf Course, increased noise, increased viewership, and a greater impact on community cohesiveness.

While the Horseshoe Bend Modified/Conduit Road East routing option (selected alternative) impacts 12 more total hectares (30 acres) of Sweetwater Regional Park than the Horseshoe Bend/CAC Variation, it does not directly impact any existing park improvements and it is more compatible with future park expansion plans. Also, as discussed previously, the selected alternative has fewer community impacts when compared to the other routing options.

The preferred alternative provides a number of mitigation measures to provide all possible planning to minimize the harm to be consistent with Section 4(f) of the Department of Transportation Act. These mitigation measures (described in the FEIS and below) have been developed after extensive consultation with the County of San Diego, the FWS, the California Department of Fish and Game (CDFG), the COE and the EPA. The mitigation measures address public comments on the DEIS, SDEIS and FEIS and consultation and coordination with the affected local community.

## **Biological Resources**

Also an important consideration in the selection decision are impacts to biological resources. Several sensitive habitats and their associated species exist within the project corridor. Depending on the routing option, up to 8 federally listed endangered or threatened species would be directly, indirectly, or cumulatively impacted by the proposed project; these include the: coastal California gnatcatcher, least Bell's vireo, San Diego fairy shrimp, quino checkerspot butterfly, San Diego button-celery, Otay Mesa mint, spreading navarretia, and Otay tarplant.

Vernal pools and their associated species are found at the southern end of the project on Otay Mesa. Brown Field/Otay Ranch (BF/OR) and Brown Field Modified Revised/Otay Ranch (BFMR/OR) are the two routing options through the southern end of the project. The BFMR/OR routing option was selected because it reduces impacts to vernal pools and associated species when compared to the BF/OR option. Specifically, the BF/OR option would impact 1 hectare (2.5 acres) of vernal pool habitat, including 23 pools containing San Diego fairy shrimp. By comparison, the BFMR/OR option impacts only 0.06 hectares (0.16 acres) of vernal pool habitat and 7 pools containing San Diego fairy shrimp.

The reduction in vernal pool impacts to the vernal pools for the Brown Field Modified Revised segment was achieved in part by shifting the alignment east 232 meters (761 feet), near future Piper Ranch Road and north of the Otay River. The ultimate width of the tollway from Otay Mesa Road to Olympic Parkway (formerly Orange Avenue) was also reduced from eight mixed flow lanes with two possible high occupancy vehicle (HOV) lanes or transit facilities in the future to six mixed flow lanes with two possible HOV lanes or transit facilities in the future.

At the northern end of the project, sensitive biological resources are associated with riparian, coastal sage scrub, and maritime succulent scrub habitats. The Horseshoe Bend Modified segment (selected alternative) impacts approximately 8.5 hectares (21.0 acres) of coastal sage scrub, 1.0 hectares (2.4 acres) of maritime succulent scrub, and 1.5 hectares (3.8 acres) of riparian habitat. The Horseshoe Bend Modified segment will result in direct impacts to 0.65 hectare (1.6 acres) of wetlands as a result of project grading. In addition, 0.27 hectare (0.67 acre) of jurisdictional waters of the United States will be filled by project grading. It will also impact 0.08 hectare (0.24 acre) of vernal pool surface area and 0.03 hectare (0.11 acre) of ephemeral basins, supporting spreading navarettia.

While the Proctor Valley West segment would not impact any vernal pool surface area or maritime succulent scrub, when compared with the selected alternative it would impact approximately 2.9 hectares (7.1 acres) more coastal sage scrub habitat and 0.5 hectares (1.1 acres) more riparian habitat. The Proctor Valley West segment would also impact up to 135,000 Otay tarplants in approximately 1.74 hectares (4.3 acres), while the Horseshoe Bend Modified segment will impact approximately 3,700 to 7,400 Otay tarplants covering approximately 0.9 to 1.1 hectares (2.3 to 2.8 acres).

The Horseshoe Bend/CAC Variation would also have greater overall biological impacts than the selected alternative. The HB/CAC Variation would cut through the middle of an area on the west side of Red Hill in Sweetwater Regional Park, impacting 7.4 hectares (18.3 acres) of maritime succulent scrub and 29.1 hectares (79.1 acres) of the high quality Diegan coastal sage scrub. This segment would also impact 0.1 hectare (0.3 acre) of ephemeral basins and approximately 0.20 hectare (0.5 acre) of riparian habitat. Lastly, when compared to the other alternatives, the Horseshoe Bend/CAC Variation would result in the greatest degree of habitat fragmentation in the Sweetwater Regional Park area.

Either the Conduit Road West or Conduit Road East segment would be needed to complete a northern routing option. As previously discussed, the Conduit Road East segment (selected alternative) would have greater impacts to certain biological resources than the Conduit Road West alternative. The Conduit Road East segment will result in direct impacts to 8.7 hectare (21.4 acres) of high quality Diegan coastal sage scrub on the western side of Red Hill in Sweetwater Regional Park and 4.0 hectares (10.0 acres) of maritime succulent scrub. Conduit Road West, on the other hand, impacts 5.3 hectares (13.1 acres) of coastal sage scrub and only 0.1 hectare (0.1 acre) of maritime succulent scrub. However, as previously discussed, the Conduit Road East segment would be less harmful to the Bonita-Sunnyside community and an appropriate mitigation package has been approved by the FWS in which they issued a “No Jeopardy Finding” pursuant to Section 7 of the Endangered Species Act (See Section 4.6, of the FEIS, for further discussion of the Section 7 consultation and Appendix I for a copy of the Biological Opinion).

## **Summary**

The above considerations: achievement of the project purpose and need while minimizing community impacts, avoiding use of Section 4(f) resources except where it was not feasible and prudent to do so, avoidance and minimization of impacts to waters of the U.S., avoidance of jeopardy to endangered and threatened species, and minimization of impacts to biological resources, were the principal factors used to determine which alternative would best meet the overall public interest and commitments adopted in this ROD. The selection of the tollway operational alternative along the Brown Field Modified, Otay Ranch, EastLake, Horseshoe Bend Modified, and Conduit Road East segments reflects the alternative which accomplishes the project purpose and need while complying with the requirements of a number of laws, regulations, and orders. The selected alternative, in FHWA’s opinion, presents the best compromise for an effective project that meets the transportation needs, while avoiding and reducing adverse environmental effects to the natural and man-made environment in compliance with federal and state environmental laws. The FEIS provides additional detail in support of the above reasons and additional facts in support of the selection of the preferred alternative. For these reasons, the selected alternative is the environmentally preferable alternative.

## Section 4(f)

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As previously discussed, no federal transportation project may use a resource protected by Section 4(f) of the U.S. Department of Transportation Act unless (1) there is no prudent and feasible alternative to the using that land; and (2) the project includes all possible planning to minimize harm to the Section 4(f) resource.

The selected alternative impacts the following Section 4(f) resources: the Sweetwater Regional Park, the Sweetwater Valley Little League Fields, the Sweetwater Regional Trail, the Proctor Valley Road Trail Corridor, the San Miguel Road Trail, the Southern Loop Trail, the San Miguel Road/Sweetwater Regional Trail Connection, the trail on the southern boundary of the Little League property, the Sweetwater Regional Trail, the Conduit Road/Northern Loop/Red Hill Trail, the Conduit Road Trail, and two trails in the Sweetwater River.

FHWA has determined that there is no feasible and prudent alternative to the use of the Section 4(f) properties listed in the preceding paragraph. The Eastern Alternatives which would avoid the use of these resources would result in extraordinary impacts to the local community, threatened and endangered species, and the Multiple Species Conservation Plan (MSCP). The Western Avoidance Alternatives, including the Golf Course Alternative, would result in social and community disruption of extraordinary magnitude. In addition, the Golf Course Alternative would also have impacted the Ulysses S. Grant House, an historic property protected by Section 4(f) as well.

All possible planning to minimize harm to the Sweetwater Regional Park, the Sweetwater Valley Little League, and impacted trails has been incorporated into the proposed project. Mitigation measures for impacts to the Sweetwater Regional Park and the Sweetwater Valley Little League include providing funds for:

- Purchasing and renovating the Sweetwater Valley Little League complex and transferring the complex to the County of San Diego. This includes reconstructing fields with turf, a new snack shack/restroom/equipment storage building, paved parking, backstops and bleachers;
- Improvements to EastView day park including a playground, drinking fountains, restrooms, shelters for the existing picnic tables, and a pavilion with tables and two barbecues;
- Enclosing the existing pavilion;
- Constructing a new meeting/game room;
- Constructing a swimming pool;
- Constructing two shower/restroom buildings;



- Constructing trail improvements within the Park (not to exceed \$250,000);
- Relocating seven existing campsites; and
- Preparing a market study.

Impacts to trails will be lessened by providing trail overcrossings and/or rerouting trails through the project area. In addition, the following measures will partially mitigate for the total loss of local trails and the overall diminished value of the recreational experience on trails passing along or across the highway. Input will continue to be solicited on possible ways of augmenting the local trail system. The augmentations will be made prior to any trail closures or detours to enhance the local trail network during the construction period. Caltrans will:

- Construct a new trail from the end of Jonel Way north along the west side of the SDG&E Miguel Substation property to the Sweetwater Regional Trail. The Horseshoe Bend Modified segment would include this trail within the western right-of-way to the San Miguel Road trail.
- Provide a bridge on the County owned trail adjacent to the Bonita Golf Course to segregate trail users and golfers.
- Work with the County of San Diego to facilitate the formal designation of the existing trail from Conduit Road to the Spring Valley area connection.
- Provide up to \$20,000 to fund trail improvements along the Sweetwater Regional Trail both in the vicinity of the project and east of the Sweetwater Reservoir. Coordination with the County, Sweetwater Authority, trail groups, and citizens will continue in order to identify cost-effective options.
- Establish a trail along the southern right-of-way of the highway from just east of the Little League fields to the eastern end of San Miguel Road. This will allow non-motorized users the option of this trail instead of San Miguel Road.
- Consider County of San Diego design specifications, as a baseline, in criteria for trail design, as well as guidelines based on existing Caltrans constructed equestrian trail crossings on I-15 in Norco, California.
- Consider shoulder improvements to Sweetwater Road from the Bonita Golf Course to Quarry Road (not eligible for federal funds).
- Widen shoulder of Quarry Road (east side) from Sweetwater Road to future cul-de-sac.

- Designate trail and possibly provide funds (matching developer/public) for fencing within the Route 54 corridor, east of Lakeview Avenue to Sweetwater Authority property.
- Provide funds (matching developer/public) for trail construction on Sweetwater Authority property, along the north side of Sweetwater Reservoir easterly to the Pointe Development.
- **Section 4(f) Conclusion** \_\_\_\_\_
- Based upon the above considerations, there is no feasible and prudent alternative to the use of land from the (Section 4(f) property) and the proposed action includes all possible planning to minimize harm to the (Section 4(f) property) resulting from such use.

## **Measures to Minimize Harm** \_\_\_\_\_

The measures described below have been or will be incorporated into the project to reduce the impact of constructing the selected alternative. Other measures to mitigate or abate project impacts, including standard specifications and practices, are included in FEIS Chapter 4, *Environmental Consequences and Mitigation Measures*, and in responses to the DEIS and SDEIS comments contained in Volume 2 of the FEIS. These additional mitigation/abatement measures are incorporated into this ROD by reference.

## **Community Character**

The physical presence of the Route 125 South tollway in Bonita will reduce the rural character of the area. Bonita-Sunnyside residents value the present semi-rural character of their community. The highway is seen both as a physically intrusive and incompatible element that dislocates residents and as a catalyst encouraging more rapid growth and change, further eroding the community character.

In general, the overall character of the neighborhoods and communities south of Bonita-Sunnyside will not substantially change from that which currently exists or is planned, because the community layout utilizes Route 125 South as a border and creates the primary focus away from the alignment.

To preserve views and some of the rural atmosphere in Bonita-Sunnyside and elsewhere along the route, the roadway profile has been depressed and hidden by landscaped berms wherever practicable and all vertical elements of the project kept to a minimum.

In the Bonita-Sunnyside area, where appropriate, “rural rustic” applications will be incorporated into structures, fences, noise barriers, retaining walls, signage, etc. This will include textured concrete, natural or simulated stone or wood and earth-tone colors. In other communities, design features will match existing applications in adjacent residential areas and conform to applicable urban design standards as much as practicable.

Existing mature plant material will be preserved where feasible to serve as intermittent screening between residential communities and Route 125 South. In keeping with the Sweetwater Community Plan goal to retain as many mature trees in the community as possible, trees removed will be replaced at multiple ratio in highway landscaping, on excess parcels retained in open space, and in arcades along any local street improvements related to Route 125 South. New areas of eucalyptus or appropriate fast-growing trees will be created in Bonita-Sunnyside. In other communities, the existing landscape elements and materials will be matched and conforming to applicable landscape design standards as much as practicable.

The landscaping plan will be implemented within one year of grading in developed areas unless otherwise required for biological mitigation. Temporary landscaping will be considered in areas of excess right of way.

From future Olympic Parkway to Route 54, ultimate grading would be done in one continuous construction period to minimize the impact to the local community.

Erosion control during construction and the ultimate condition will be maximized. Slopes will be largely revegetated with native or drought resistant plants.

Utilities will be placed underground where practicable for project-related local street improvements. Local street improvements will match the existing neighborhood as to the use or non-use of concrete curbs and sidewalks. Rolled curbs will be used where curbs are required in Bonita/Sunnyside.

The extent of cut and fill slopes will be minimized. Where substantial alteration of the natural terrain is necessary, rolling hillside landforms will be preserved by the use of cut slope contour grading or earth sculpting. Where excavation is in hard rock (Sweetwater River gorge), rock-cut sculpting instead of uniform cut slopes will be used. Sculpting is a technique to better simulate the variation of natural slopes. Wherever practicable, disturbance to slopes steeper than 25 percent which support sensitive vegetation will be avoided. North of Telegraph Canyon Road/Otay Lakes Road, the ultimate slopes will be constructed in the first construction phase to avoid subsequent phases of bare slopes while waiting for plants establishment and maturation.

The Sweetwater River Bridge has been lengthened to reduce the amount of fill at the approaches, reducing visual impacts in the area.

The project design will incorporate landscaped berms instead of noise walls wherever feasible to reduce visual/aesthetic impacts.

### **Community Cohesion**

The highway will be a new physical, and visual boundary between the Bonita-Sunnyside community and the Sweetwater Park and open spaces to the east. This will alter the geographic “place” with which current and future residents identify. As a result, social interactions between elements of the community on opposite sides of the tollway/freeway will be lessened and social contacts and relationships will be altered or possibly eliminated. This will be particularly true of the more pedestrian dependent elements of the population.

To minimize physical division effects, all local legal access across the proposed right of way will be clearly identified and maintained during construction. Implementation of the measures to reconnect severed hiking and riding trails, maintain connections during construction, and augment the trail system as identified, as well as the measures identified above to help reduce community character impacts would assist in reducing cohesion impacts.

### **Relocations**

The project will cause the displacement of 11 homes, with a total of 38 residents, as well as the displacement of 5 businesses, including a produce warehouse, two kennels and two properties used for storage. The loss of social ties and upheaval experienced by the displacees forced to relocate may be substantial. When moved, they may be separated from friends, relatives, work place, and other personal and social needs. The displacee's social network and sense of community may be altered or lost.

The Final Relocation Impact Statement (FRIS) concluded that adequate replacement housing exists within the Bonita and northern Chula Vista areas for those residences displaced by the construction of Route 125 South. Likewise, the FRIS indicated that adequate replacement facilities were available for the impacted businesses.

Fair market value will be paid for all of the land and improvements required to construct and operate the proposed project. In addition, relocation assistance will be provided to all of the residents and businesses displaced by the project. For those displaced, relocation assistance payments, moving costs, and counseling will be provided in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act 1970, as amended (Uniform Act).

## **Consistency with Local Plans**

The project is 100% consistent with City of Chula Vista's San Miguel Ranch General Development Plan (GDP). A condition placed on the development plans requires accommodation for any Route 125 South alternative adopted. In May 1999, the City of Chula Vista circulated a Draft Subsequent EIR for the San Miguel Ranch SPA and tentative maps, the Preferred Alternative is consistent with the proposed SPA, including an interchange at future Mt. Miguel Road.

The project varies from the Sweetwater Community Plan as to the type of transportation facility and its alignment. It also varies from Plan's goals and recommendations of limiting noise pollution and maintaining open space, stands of mature trees, and equestrian and hiking trails. The East Otay Mesa Specific Plan, the Piper Ranch Tentative Map, and the Otay Ranch General Development Plan/Sub-Regional Plan show the Route 125 South alignment going through Johnson Canyon, rather than across Otay Mesa to Otay Ranch. The Otay Mesa Community Plan shows the currently proposed location of Route 125 South, but does not show the proposed project as a tollway.

After approval of this ROD and the route adoption process is completed, the County and the cities of Chula Vista and San Diego intend to prepare a General Plan Amendment to revise the Circulation Element to include the selected alternative. This assumes the County agrees with the conclusions of the Caltrans studies as to the design and location of Route 125 South. This also assumes the County concludes that the project's impacts to the community are minimized to the maximum extent feasible. The FEIS will be the foundation for the County's action on the General Plan Amendment. All of this information would eventually go to the Planning Commission and the Board of Supervisors for action. If the County ultimately endorses the proposed project through eastern Bonita and the Sweetwater Community Planning Area, the inconsistencies with the Circulation Element would be eliminated. However, the local county advisory group, Sweetwater Planning Group, may continue to oppose the plan change.

## **Parks, Recreation and Wildlife Refuges**

The southern portion of the project will generally pass along the western edge of the vernal pool areas identified for possible inclusion in the proposed Vernal Pool National Wildlife Refuge (NWR) and cross the area identified for the future Otay River Valley Regional Park. The Otay Ranch GDP/SPA identifies a major, multipurpose hiking and riding trail in the project area. One open space corridor (#11), as designated in the Chula Vista General Plan, crosses the proposed highway between the Otay Lakes Road and East H Street interchanges on the future EastLake Parkway overcrossing.

The northern portion of the project will generally pass along the southern edge of a vernal pool area identified for possible inclusion in the proposed Vernal Pool Planning Area. It also impacts the Sweetwater Regional Park, the Sweetwater Valley Little League Fields, the Sweetwater Regional Trail, the Proctor Valley Road Trail Corridor, the San Miguel Road Trail, the Southern Loop Trail, the San Miguel Road/Sweetwater Regional Trail Connection, the trail on the southern boundary of the Little League property, the Sweetwater Regional Trail, the Conduit Road/Northern Loop/Red Hill Trail, the Conduit Road Trail, and two trails in the Sweetwater River.

The Brown Field Modified Revised segment of the project was designed in order to minimize direct impacts to the vernal pool complex on Otay Mesa. Other mitigation for impacts to vernal pools and associated sensitive species will include acquisition of 4.8 hectares (12.0 acres) on Otay Mesa outside the Multiple Habitat Planning Area (MHPA). This acreage will expand, and buffer vernal pools to be preserved as part of the Vernal Pool Stewardship Area.

Mitigation for impacts to park and recreation resources are in the Section 4(f) Section of this ROD.

### **Open Space**

The project will consume between 68 hectares (168 acres) and 48 hectares (119 acres) of designated (in local land use plans) parkland and open space.

All vacant excess parcels north of San Miguel Road will be retained for open space. Caltrans will coordinate with the County and the community to determine whether any of these excess vacant parcels are appropriate for park, trail, kennel, or stable use. In addition, north of East H Street, Caltrans will coordinate with the County and the City of Chula Vista and will determine whether it is prudent to acquire extra right of way width through vacant land along the highway as a buffer area and dedicate for open space/park/trail uses. Such buffer areas would not be condemned.

Caltrans will, to the maximum extent practicable, coordinate riparian, coastal sage, and maritime sage mitigation to support the Least Bell's Vireo Habitat Conservation Plan, the Multi-Species Conservation Plan (MSCP), and the Natural Community Conservation Plan (NCCP) processes in a manner which would create large open space areas with links to other open space and possibly at a multiple replacement ratio. These actions would help offset loss of open space due to Route 125 South right of way, although not necessarily within the immediately adjacent communities.

## Growth

The project is expected to substantially affect growth by accommodating a substantial amount of planned and approved development. As part of the regional transportation system, the project will expand access to existing developed areas and provide new or improved access to previously undeveloped land. The Route 125 South project is expected to have effects on the rate of growth in the short term, and on the location and total amount of growth over the long term. Secondary cumulative effects of growth would be adverse to resources discussed in approved local EIRs. Construction staging will serve to limit the project effects on the rate of development. The growth inducing effects of the project have been minimized by the local and regional land use plans in the project area, including the MSCP approved by the FWS and the CDFG. The growth-inducing effects of the project will be further minimized by the following measures:

- Caltrans will review all EIRs for substantial new land development in the study area, and provide comment to the appropriate lead agency regarding phasing of development with regional transportation infrastructure. Comments will include recommendations, to the extent feasible, for mitigation measures to maximize development project connectivity to the regional circulation system, including Route 125 South.
- Caltrans will coordinate with local jurisdictions with land use authority to encourage them to condition development approvals on provision of adequate regional transportation facilities, and require implementation of development to be phased with progress of Route 125 South or other regional transportation facilities.
- Caltrans will coordinate with the County to address circulation system improvements necessary to maintain identified levels of service, accommodating increased traffic volumes and new traffic patterns associated with regional growth through the congestion management program.
- Caltrans will coordinate with the County and local jurisdictions with land use authority to encourage them to direct growth in a manner consistent with the MSCP and the NCCP Planning process, minimizing growth impacts on natural resources.

It needs to be recognized that the City of San Diego initiated a MSCP for the Metropolitan Sewer System's service area (MSCP area) to mitigate the adverse natural resources impacts of future development allowed by the increased capacity, and it includes the Route 125 South study alignments (See Figures 4-34, 4-36, 4-38, 4-40, and 4-42 in the FEIS). The MSCP has been accepted into the NCCP process as an ongoing Multi-Species Plan. The MSCP was adopted by both the City and County of San Diego in 1997. The City of Chula Vista is still reviewing the MSCP. Refer to Sections 3.8 and 4.6 of the FEIS for further information regarding the MSCP.

Also, the NCCP was initiated in 1991 following legislation. The goal of the NCCP is to preserve local and regional biological diversity, reconcile urban development and wildlife needs, and meet the objectives of both the state and federal Endangered Species Acts. Currently, the program is focused on the coastal sage scrub community in Southern California, which includes a broad range of sensitive plant and wildlife species. All jurisdictions within San Diego County have enrolled in the NCCP.

## **Visual**

The core population surrounding the project viewshed occurs from Telegraph Canyon Road in the EastLake/Chula Vista area and goes north to Bonita/Sunnyside and Spring Valley. Many residences are situated on hillsides which would have long or panoramic views of the project. Homes along the east end of San Miguel Road would experience foreground views of Horseshoe Bend Modified segment. In addition, recreationists on trails, at the Sweetwater Valley Little League Fields, or the Bonita Golf Course, or in Sweetwater Regional Park would have views of the project (Conduit Road East and Horseshoe Bend Modified segment).

The proposed project would substantially change the existing setting throughout its corridor. The conversion of vacant land; grading large cut and fill slopes; and the construction of bridge structures, and toll facilities would change the landscape in all areas. The introduction of lighting for safety purposes along the roadway and the toll facilities would also change the current setting. The proposed project would be a distinct focal point in many areas.

Mitigation for visual impacts will include the following:

- Areas that will be landscaped with ornamental planting (such as some slopes, some interchanges, and the Sweetwater Regional Park entrance) will require permanent irrigation. Temporary irrigation will be required for plant establishment in other areas. During final design, the Caltrans Landscape Architect will define those areas that will have temporary or permanent irrigation.
- All irrigation and landscaping will begin within one year of ground disturbance and be completed by opening day in all areas between future Olympic Parkway and Route 54, and in areas where biological mitigation is required.
- Additional tree planting will be undertaken within the Bonita/Sunnyside area, which lies within the viewshed of the project. Such planting will be done as an Adopt-A-Tree program for residents within the viewshed to provide additional tree screening within the community and in response to community input.
- Landscaping on highway slopes and the mainline toll plaza will be compatible with the surrounding communities (provide permanent irrigation where selected species require) and coordinated with affected local agencies.



- Locally compatible landscaping at local interchanges, overcrossings, and undercrossing will reflect community character and input, and be compatible with biological mitigation (provide permanent irrigation where selected species require).
- Under guidance by the Caltrans District Landscape Architect and Biologist, non-native plants such as drought-resistant trees and shrubs (irrigation required) will be included. Non-natives will not be planted adjacent to sensitive biological resources such as riparian or vernal pool areas.
- Utilize black-vinyl coated colored right of way fencing adjacent to visually sensitive areas, such as parklands and open space preserve areas.
- Mature trees will be replaced at a 5:1 ratio within the Bonita/Sunnyside community, and species selection will be coordinated with the community.
- Wide median will be hydroseeded with wildflower/erosion control and shrub mix, plant shrubs (temporary irrigation required).
- Temporary and permanent irrigation will be required until plants are well established, as determined by the Caltrans Landscape Architect and Biologist.
- Trailside landscaping, where feasible, will be coordinated with the community.
- Areas of vegetation under bridge structures and on cut and fill slopes will be restored with native species and other compatible plant materials, where appropriate. Irrigation will be required. Coordination with County Parks where applicable. Perform revegetation consistent with biological mitigation.
- Aesthetic bridge design for Sweetwater bridge to incorporate a slightly curved bottom span, 90 meters (300 foot) spacing, dual flared columns, variable girder dimensions, texturing and/or tan coloring, possible open bridge railing design on east side of structures, noise barrier design to be fully integrated into overall design of structures.
- Rock sculpting and color coating in rock cut areas will be provided to give a weathered appearance.
- Structures, walls, and sound barriers will all receive anti-graffiti chemical treatment. Walls and barriers will be planted where feasible (temporary irrigation required). Walls within highway right-of-way will be maintained by State or private forces.

- Retaining walls will be plantable cribwalls where feasible. Walls will be colored to blend with adjacent natural features and to reduce temporary impacts. Where plantable cribwalls are not feasible, standard retaining walls will incorporate a rural architectural treatment. Community art themes or a distinctive rural architectural treatment to be incorporated where appropriate to develop a community identity, such as at the park entrance.
- Sound barriers will incorporate aesthetic treatments (including landscape screening) for consistency with community and transparent panels to maintain views.
- Architectural treatment will be provided for structures that reflect theme of adjacent communities, including pigmentation, and texturing.
- Slope paving under Route 125 South bridge structures (undercrossings) will match existing local streets and future community concepts. Slope paving will be coordinated with local agency/land owner.
- All required drainage and maintenance features (such as interceptor ditches, terraces, benches, and headwalls) will be integrated into slopes to reduce visibility of unnatural elements. Drainage facilities will have geosynthetic fabric lining with vegetation, where feasible, rather than concrete lining. Where concrete lining is essential, pigmentation and/or texturing will be incorporated in areas visible to motorists or where seen by other viewers. Sedimentation control and visual blending will be incorporated into bench design by providing planting pockets for the establishment of trees and shrubs. The District Landscape Architect will be consulted with on all such features.
- Contour grading, benching, slope rounding and sculpting, and undulations will be used to transition smoothly into existing topography, stepped cut slopes and maximum 2:1 slope ratio, except in areas of natural rock outcroppings. An exception to this is located north of future Lonestar Road, west of the highway, where 1.5:1 slope is required to minimize vernal pool impacts.

## **Vernal Pools**

The project directly impacts 0.10 hectare (0.24 acre) of vernal pool surface area and 0.04 hectare (0.11 acre) of isolated ephemeral wetland habitat. Although the isolated ephemeral wetlands are not vernal pools, they support spreading navarretia and thus are mitigated as vernal pool habitat.

The mitigation requirement for direct impacts to vernal pool surface area and isolated ephemeral wetland habitat is 0.28 hectare (0.70 acre) of vernal pool surface area plus upland to support the created vernal pools. Mitigation for impacts to vernal pools and associated sensitive species (San Diego fairy shrimp and spreading navarretia) will include acquisition of 4.8 hectares (12.0 acres) on Otay Mesa outside the MHPA currently under New Millennium ownership. As described in detail in the *Conceptual Vernal Pool Mitigation Plan*, restoration will include the following activities: minor mima mound creation/restoration; salvage and translocation of spreading navarretia, San Diego button-celery, and San Diego Mesa mint; inoculation with San Diego fairy shrimp; removal of topsoil and other materials from impact areas at regular intervals as feasible; and a five year monitoring plan.

## **Sensitive Plants**

The project will directly impact 24.5 hectares (60.5 acres) and indirectly impact 18.3 hectares (45.2 acres) of coastal sage scrub. It will also impact maritime succulent scrub, 5.5 hectares (13.7 acres) directly and 3.0 hectares (5.7 acres) indirectly. Nine locations of Otay tarplant and three populations of spreading navarretia will be impacted by the project as well.

Mitigation for impacts to coastal sage scrub will include the acquisition of 29 hectares (72 acres) within the MHPA along Johnson Canyon; in addition, 295.9 hectares (731 acres) of habitat credits for coastal sage scrub will be deducted from the Rancho San Diego Mitigation Bank.

Mitigation measures for maritime succulent scrub include the acquisition of 19 hectares (47 acres) on three parcels at Lake Jennings, 6 hectares (15 acres) in Johnson Canyon, and 29 hectares (72 acres) within the MHPA along Johnson Canyon. Cactus will be salvaged from impact sites and transplanted to appropriate locations on mitigation sites.

Otay tarplant mitigation includes the acquisition of a 1.2 to 1.6 hectares (3-4 acre) parcel on Otay Ranch known to support the tarplant and one of the two following options: (1) acquisition of 2.8 to 4 hectares (7-10 acres) of the San Miguel Conservation Bank supporting approximately 20,000 individuals (preferred option); or (2) acquisition of 16.2 hectares (40 acre) Otay Ranch Proctor Valley parcel supporting approximately 10,000 individuals. Within unoccupied habitat, salvaged seeds will be broadcast to expand the existing population and recovered soils will be introduced.

Establishment of spreading navarretia in vernal pools being created for vernal pool impacts will help mitigate impacts to spreading navarretia.

## **Sensitive Animal Species**

The project will directly impact one location of quino checkerspot butterfly, 24 locations of California gnatcatcher, 8 locations of cactus wren, 2 pairs of least Bell's vireo, and 7 vernal pools supporting San Diego fairy shrimp. Indirect impacts to 8 locations of California gnatcatcher and 3 locations of cactus wren will also occur.

Following are the mitigation measures for impacts to the quino checkerspot butterfly:

- Scientists searched for new butterfly populations in the Otay Ranch/Otay Mesa area during the 1999 survey and will continue during the 2000 field survey.
- Ensure that the host plant for the Quino larvae are planted and available at the vernal pool restoration site.
- Fund research into the genetics of the Quino populations.
- Implement captive breeding and reintroduction program.
- Restore 16.1 hectares (40 acres) of suitable Quino habitat.
- Purchase private land containing a known Quino population.
- Write and implement management plan for the Quino populations at Rancho San Diego, Marron Valley, and Otay Mountain.

Direct and indirect impacts to California gnatcatcher will be mitigated by deduction of 295.9 hectares (731 acres) of habitat credits supporting 18 pairs of California gnatcatchers within the Rancho San Diego Mitigation Bank. This mitigation uses the entire SANDAG gnatcatcher allocation of 18 pairs. In addition, mitigation will include acquisition of a 29.1 hectare (72 acre) parcel within the MHPA along Johnson Canyon. This parcel supports two to three pairs of California gnatcatchers in a mosaic of coastal sage scrub, maritime succulent scrub, and other natural habitats. This parcel would also be used to mitigate for impacts to cactus wren, as discussed below. Finally, mitigation will include one of the following options: (1) purchase of portions of Otay Ranch San Ysidro parcel development areas on which at least 15 gnatcatcher locations were mapped to attain habitat for ten gnatcatchers; or (2) deduct ten pairs of gnatcatchers from the Caltrans/County credits from the Rancho San Diego Mitigation Bank.

Cactus wren impacts will be mitigated by the acquisition of 19 hectares (47 acres) on three parcels at Lake Jennings that support 8 cactus wren localities, 6 hectares (15 acres) in Johnson Canyon that support 1 cactus wren locality, and 29 hectares (72 acres) within the MHPA along Johnson Canyon that support three cactus wrens in a mosaic of maritime succulent scrub and other natural habitats.

Impacts to the least Bell's vireo will be mitigated through the deduction of 24 pairs of vireos from the Rancho San Diego Mitigation Bank.

The mitigation measures proposed for impacts to vernal pools will also mitigate the impacts to San Diego fairy shrimp (see discussion under vernal pools above).

## Noise

There are approximately 900 residential units, two parks, one school, one planned park, Little League Ballfields, an animal shelter, and a golf course represented by approximately 187 noise receptor sites selected for the proposed project. At all receptor sites, the existing noise levels would increase with the proposed project. Existing noise levels range from 40 to 53 dBA and would increase to the mid 50s to mid 70s (dBA) without abatement.

Consideration in proposing abatement measures was based in part on the ability to obtain at least a five decibel reduction in a reasonable and feasible analysis. Landscaped berms or sound walls will be used; details will depend on the final design noise study and community acceptance. Proposed noise barriers must also be cost-effective. Due to adherence to these requirements, abatement measures are proposed in locations where attenuation is reasonable and feasible pursuant to Caltrans Traffic Noise Analysis Protocol (1998) and the Federal Highway Administrations Guidance.

Noise barriers are proposed at the following areas:

- EastLake Hills
- Sweetwater Valley Little League Fields
- Sweetwater Regional Park
- Along Route 125 South highway right of way from south of San Miguel Road to Sweetwater Valley Little League complex
- Bonita Golf Course
- Bonita Hills Estates
- North of Route 54 approximately one-half mile east of Worthington

All barriers proposed on private property are proposed as wall/transparent panel combinations to preserve views. Where feasible, the solid wall portion of the barrier will not exceed 1.2 meters (4 feet). The remainder of the barrier would be a transparent panel sized to achieve the overall required barrier height.

## **Construction Impacts**

Implementation of the proposed project will create short-term impacts as a result of construction related activities. It must be noted that the terms “temporary” and “short-term” impacts could last several years. Basic construction activities necessary for implementation of the proposed project include vegetation clearing, excavation, removal of existing roadway (as discussed in street closure/detour section below), embankment placements, construction of structures, and surfacing. The following are types of construction impacts that will occur with implementation of the project:

- Construction noise
- Additional air pollution
- Access and traffic circulation
- Street/trail closures and detours
- Public services
- Recreational uses
- Disruption and/or relocation of utility services

### Construction Noise

- Noise barriers will be erected at the project site prior to the start of any construction, where feasible. If it is not feasible to erect noise barriers prior to the start of construction activities, temporary barriers (especially near sensitive receptors) will be placed until such time that the proposed noise barriers can be constructed.
- Haul roads, batch plants, maintenance yards, and other construction related operations will be located in areas that are least disruptive to the community, with most located within the project right-of-way.
- Construction staging areas, material stockpile sites, supply storage yards, and construction vehicle parking areas will be located within the project right-of-way at the mainline toll plazas, the Olympic Parkway (previously Orange Avenue) interchange, the Route 54/Route 125 interchange, and under the Sweetwater River Bridge. The areas at the Route 54/Route 125 interchange will be sited as far from residences as possible, and will avoid environmentally sensitive areas.
- Construction activities that are adjacent to schools will be coordinated with school officials to reduce the level of noise impacts during school hours.
- Construction work, including pile driving and jack hammering, will be prohibited between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, and all day on Sundays and federal and state holidays within developed areas, near parks, the Sweetwater Valley Little League, and other recreational facilities (i.e., trails). Placement and removal of falsework, equipment maintenance, striping, or establishment of detours or emergency repairs will be allowed during those times.

- No equipment operation may create a noise level in excess of 70 dBA at the nearest residential property line or any existing campsite in Sweetwater Regional Park for any eight hour period during the facility's allowed times of operation.
- Public information meetings explaining the construction schedule and noise control measures will be held prior to initiation of construction within each segment.
- Construction contractors will comply with Caltrans' Standard Specifications Section 7-1.011, "Sound Control Requirements" (1999).

#### Construction Air Quality

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- The construction contractor will comply with Caltrans' Standard Specifications Section 7-1.01F and Section 10 of Caltrans' Standard Specifications (1999).
- Water will be applied to the site and equipment as frequently as necessary to control fugitive dust emissions.
- Soil binder will be spread on any unpaved roads used for construction purposes, and all project construction parking areas.
- Trucks will be washed off as they leave the right of way as necessary to control fugitive dust emissions.
- Construction equipment and vehicles will be properly tuned and maintained. Low sulfur fuel will be used in all construction equipment.

#### Access/Traffic Circulation

- Caltrans will prepare a traffic control plan to ensure that access to and from homes, schools, and businesses will be retained.
- Regional circulation will be maintained and local circulation will be accommodated via detours. Local access will be maintained to existing properties.
- A public awareness program will be developed to inform the public of the upcoming detours and construction schedule.
- Further studies to evaluate the feasibility of a temporary crossing over the work area at Sweetwater Road for either pedestrian or vehicular traffic, or both, will be conducted prior to road closure.

### Recreational/Pedestrian

- Construction signage, signalization, or flagpersons will be used during construction in areas with pedestrian and/or equestrian access.
- Pedestrian and bicycle access will be maintained.

### Public Services

- Caltrans will coordinate with school officials for all affected school districts.
- Emergency providers (fire, police, and medical) will be informed of all detours. Pedestrian and bicycle access for all school impact areas will be maintained. Caltrans will coordinate with all affected public services, as well as the San Diego County Public Works Department, regarding any proposed road, trail or access closures.

### Utility Access

- Turnarounds and access roads will be designed after consultation with SDG&E personnel to ensure that their standards are met. The radii of the turnarounds will meet SDG&E standards. All access roads will be maintained and access will be provided at all times during construction.

### **Cultural Resources**

A Finding of Adverse Effect has been determined for archaeology site CA-SDI-6954. The original effect finding on this site was a Finding of No Adverse Effect. The change in finding from “No Adverse Effect” to “Adverse Effect” is based upon a change in 36 CFR 800, not upon any changes in the impact of the proposed project to the site. The current regulation requires a Finding of Adverse Effect whenever data recovery is proposed for an archaeological site deemed important for its informational content. At the time of the DEIS, the regulation allowed a Finding of No Adverse Effect for impacts to an archaeological site with important informational content as long as data recovery was performed.

The site contains two loci, A and B. Only Locus A is identified as having further research potential. Project redesign to avoid the site proved to be infeasible and all of Locus A will be impacted. A data recovery program will be implemented to recover the information associated with Locus A prior to the start of construction. A Native American monitor will also be present during data recovery.

As a precautionary measure, monitoring by an archaeologist during construction will also be implemented, so that if anything is uncovered, construction can be diverted from the finds and sufficient time allowed to assess the nature and significance of the remains.



A Memorandum of Agreement (MOA) was signed by FHWA, SHPO, and Caltrans on December 30, 1999 regarding the project's impacts to cultural resources and measures to minimize harm to those resources and is included in Appendix E of the FEIS.

## **Geology**

No known active faults cross any of the proposed alternative alignments. The northern end of the proposed project lies approximately 13 km (8 miles) southeast of the Rose Canyon fault and 3 km (2 miles) east of the main strand for the La Nacion fault. If a maximum credible earthquake occurs in these faults, ground shaking could induce small slumps and rock fall from slopes. Small lurching cracks might also develop. The possibility for liquefaction is remote as most of the project is underlain with bedrock or coarse, dense sand and gravel. A large area within the Horseshoe Bend landform contains topography which suggests the possibility of landslide debris. Embankments placed next to hard volcanic rock at the north end of the project and north of East "H" Street could create a differential settlement problem.

Seismic mitigation include continued geotechnical study and monitoring during final design and construction to determine liquefaction potential in the Otay River Valley. In addition, all structures associated with the proposed project will be designed and constructed to resist high earthquake acceleration. Caltrans Standard Specifications will be adhered to in construction structurally sound, earthquake-resistant bridges and roadways for maximum safety to the traveling public.

Slope instability mitigation will include performing subsurface geotechnical investigations for all cut slopes that expose the Otay Formation. A geologist will inspect slopes in the Otay Formation during construction.

To mitigate differential settlement, bentonite clays will be scattered over broad fill areas and not concentrated in embankments. Subsurface exploration and analysis for all structures foundations will be performed.

## **Water Quality**

Potential impacts of the proposed project are connected with construction and operation of the highway. During construction, the primary concern is erosion control. During highway operations, the major water quality issue is pollutant deposition on the roadway and other surfaces and subsequent flushing by runoff. Additionally, as with most transportation facilities, there would be a potential for hazardous spills.

Caltrans is committed to implementing storm water management practices to reduce the discharge of pollutants to the maximum extent practicable, as required by the Clean Water Act (CWA) and the federal storm water regulations. During highway operations, Caltrans' Standard Specifications and the terms and conditions of the National Pollution Discharge Elimination System (NPDES) permit will be implemented for pollutant controls.

## **Paleontology**

The sandstone portion of the Otay Formation has produced extremely important vertebrate fossil remains and is considered to possess a high paleontological resource sensitivity. Much of the proposed right of way is underlain with the Otay Formation and project impacts are potentially substantial.

The Sweetwater Formation mudstones are exposed in low-lying areas beneath the gritstones of the Otay Formation. The best exposures are in the Sweetwater River Valley and the Otay River Valley. The mudstones of the Sweetwater Formation can be considered to have a high paleontological resource sensitivity.

Mitigation of the impacts discussed above will be achieved by implementing the following measures:

- Retain a qualified paleontologist (M.S. or Ph.D. in paleontology or geology familiar with paleontological procedures and techniques) who is present at pre-grading meetings to consult with grading and excavation contractors.
- Paleontological monitor will be on site at all times during the original grading where the Otay and Sweetwater Formations are located to inspect cuts for fossils.
- When fossils are discovered, the paleontologist (or paleontological monitor) will recover them. Construction work in these areas will be halted or diverted to allow recovery of fossil remains in a timely manner.
- Fossil remains collected during the monitoring and salvage portion of the mitigation program will be cleaned, repaired, sorted, and cataloged.
- Prepared fossils along with copies of all pertinent field notes, photos, and maps will then be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum.
- A final report will be completed which outlines the results of the mitigation program.
- Where feasible, selected road cuts or large finished slopes in areas of critically interesting geology may be left unlandscaped so they can serve as important educational and scientific reference exposures. This may be possible if no substantial adverse visual impact resulted, but would require concurrence from the local agency with access by permit.

## Cumulative Effects

Cumulative impacts to biological resources, open space, noise, and visual quality are substantial when considered with other highway and development projects in southern San Diego County. (See Attachment “B” of ROD for Revised Table 1-3 that lists cumulative impacts of various development plans and proposals as they relate to wetlands, waters of the U.S., endangered species and sensitive habitats).

Cumulative impacts to biological resources include reductions of natural open space, Diegan coastal sage scrub, and maritime succulent scrub. Vernal pool resources and stockpen soils associated with them are affected by several projects. There will be a substantial reduction of habitat for the coastal California gnatcatcher and cactus wren. Otay tarplant, a state-listed plant species, would be substantially affected since its range is confined to southwestern San Diego County. The overall reduction of natural open space would incrementally affect many plant and animal species with a broader distribution.

As previously discussed, the project will consume between 68 hectares (168 acres) and 48 hectares (119 acres) of designated (in local land use plans) parkland and open space. Planned projects would further the development of parklands and open spaces.

Noise levels will incrementally increase throughout the project area as development projects are completed. The primary noise sources associated with projects are vehicular traffic and industrial noise, on Otay Mesa.

The cumulative visual impacts generally include the loss of regional open space, elimination or change in regional landmarks, including Otay River Valley, Proctor Valley, Horseshoe Bend, Sweetwater Regional Park, and the Sweetwater River Valley. There will be substantial grading associated with land development and transportation projects, and landforms will be considerably altered.

Development impacts of related projects would be reduced through implementation of specific mitigation measures consistent with the MSCP. The MSCP serves as the regional planning program for mitigation of biological impacts in southwestern San Diego County. and provides cumulative mitigation for projects covered by the plan. Project impacts to species not anticipated in the MSCP will primarily involve impacts to maritime succulent scrub and cactus wren. However, mitigation for biological impacts resulting from the Route 125 South project has been developed in concert with implementation of the MSCP by the cities of Chula Vista and San Diego and the County of San Diego to reduce these cumulative impacts. Mitigation measures for the Route 125 South project augment the cumulative mitigation of the MSCP.

Major development projects have been modified (e.g., Rancho San Diego, San Miguel Ranch, and Honey Springs) and property has been or may be available for purchase as resource mitigation which could offset Route 125 South open space cumulative impacts.

The project incorporates noise abatement where reasonable and feasible.

For visual impacts, general mitigation measures are being incorporated by each of the development projects, which will serve to off-set some of the landform/visual impacts. Such mitigation measures include adherence to city and county grading ordinances, and hillside development guidelines. Landscaping and other visual mitigation measures related to the development projects will mitigate visual effects to some extent. For the Route 125 South project, cumulative impacts to visual quality will be reduced through landscape planting along the corridor, including along the right of way and at interchanges.

## **Air Quality Conformity**

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The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) made a joint conformity determination on the San Diego Association of Governments (SANDAG) 1998-2004 Regional Transportation Improvement Program (RTIP) on October 5, 1998, and the 2020 Regional Transportation Plan (RTP) on April 13, 2000. The 1998 RTIP includes Route 125 South as a four-lane tollway. The 2020 RTP includes Route 125 South as an initial four lane facility with future upgrading to eight lanes in the north and six lanes south of Olympic Parkway. Both the RTP and the RTIP have been found to conform with the State Implementation Plan (SIP) as required by Section 176 of the Clean Air Act. The Project “comes from” a conforming transportation plan and transportation program as required by Section 176 of the Clean Air Act.

After circulation of the DEIS, the FWS and the EPA recommended that the width of the proposed facility be reduced in the southern segment of the project in order to minimize impacts to biological resources (vernal pools and endangered species). Because future projected traffic levels did not indicate a need for an ultimate eight-lane facility from Otay Mesa Road to Olympic Parkway, the width of the southern terminus of the proposed Route 125 South facility was reduced to six-lanes (with provisions for HOV lanes or transit facilities). This change is reflected in the current RTP.

The conformity hot-spot analysis demonstrates that the Route 125 South project does not cause or contribute to any new localized CO violations or increase the frequency and severity of any existing CO violations. Therefore this project is found to be in conformity with the SIP and is consistent with the requirements of the federal Transportation Conformity Rule.

| There are no regional long-term adverse air quality impacts anticipated as a result of the selected alternative.

## **Monitoring or Enforcement Program**

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In accordance with the February 26, 1999 Biological Opinion issued by FWS a five year monitoring and maintenance program will be implemented for the vernal pool mitigation site. The Final Vernal Pool Monitoring Plan will require approval by the FWS and COE prior to impacts. The plan will contain but is not limited to the following conditions:

- 1) A maintenance and monitoring program will include monitoring of the mitigation project over a five-year period. The monitoring program for the restored vernal pools will consist of hydrological measurements, complete floral and fauna inventories, quantitative vegetation transacts, and photo documentation.
- 2) Exotic weed control will be implemented to protect and enhance habitat remaining on site and the revegetated areas.
- 3) If an annual performance criterion is not met for all or a portion of the mitigation project in any year, or if the final success criteria are not met, the permittee will prepare an analysis of the cause(s) of failure and, if determined necessary by the COE and the FWS, propose and implement remedial actions for approval. If the mitigation site has not met the performance criterion, the responsible party's maintenance and monitoring obligations will continue until the COE and the FWS give final project confirmation.
- 4) Prior to grading the project areas, the project proponent will execute and record a perpetual conservation easement in a form acceptable to the FWS for biological conservation purposes in favor of the FWS, CDFG, or other conservation organization mutually acceptable to the FWS and the COE.
- 5) Annual reports will be submitted to the FWS and the COE. These reports will assess both the attainment of yearly target criteria and progress toward the final success criteria. Due to the variability of seasonal rainfall patterns and the dependence of the vernal pool communities on rainfall, the annual performance standards will be both quantitative and qualitative. This approach represents an adaptive strategy that is responsive to annual conditions.

A five year maintenance and monitoring plan will also be followed for temporary wetland impacts at the Otay River Valley and Sweetwater River Valley. Container plants in riparian woodland will have a survival rate of 80 percent and will result in 75 percent coverage after five years. The applicant will replace those plants for the amount short of the 80 percent survival rate or that amount needed to attain 75 percent cover. Dead plant material will be replaced with the same size material as was originally planted. The freshwater marsh area will have a 70 percent cover after 5 years. At the end of the 5-year maintenance period, the applicant will assure that the wetland vegetation is healthy, vigorous and progressing normally toward the desired 90 percent cover.

Monitoring of wetland mitigation sites will consist of field monitoring during September of the first year of planting and then during the spring and fall of each year thereafter, by a qualified biologist to assess percent cover (based on visual analysis in years one and two, and sample transect measurements in years three through five) and to survey for visual evidence of use of the revegetated area by wildlife species.

A Mitigation Monitoring and Reporting Record (MMRR) for the project has been completed. The MMRR summarizes the commitments made during the environmental process and is used to ensure that all mitigation measures identified in the FEIS are executed during the appropriate stage(s) of the project. Additional commitments may be required as part of the permitting process; these will be included as part of the MMRR as soon as they are known. Please see Chapter 6 of the FEIS for a copy of the MMRR.

The mitigation monitoring program for Route 125 South will follow a four phase sequence, including right-of-way acquisition, design of the project, construction, and post-construction maintenance activities. During preparation of the contract plans, there will be periodic review to ensure mitigation measures and other commitments that have been made are being incorporated into the final project plans, specifications, and cost estimates. Monitoring will ensure that all necessary permits and any additional actions specified by these permits are included in the contract plans.

Prior to the start of construction, meetings with environmental specialists, field engineers, and contractor staff will be conducted to identify environmental mitigation measures, the locations of environmentally sensitive areas (ESAs), and other environmental commitments or concerns and to explain their background and importance. A preliminary environmental monitoring plan and schedule of review for the duration of construction will be developed, including the names of contact persons who have expertise in environmental matters that could arise during construction.

This plan will also include the contract's Water Pollution Control Plan, which will be reviewed periodically during construction. Proposed changes to the original contract plans will be reviewed by the environmental branch to determine whether environmental impacts could result. All monitoring will involve Caltrans' environmental specialists as appropriate.

Implemented environmental mitigation measures will be maintained after construction work is completed and their effectiveness determined through timely monitoring by Caltrans environmental specialists and the engineering coordinator. Highway maintenance personnel will check that all drainage facilities, erosion control devices, irrigation systems, and other environmentally related installations are functioning as intended. Plant material will be swept to remove dirt and debris that could become air borne particulates or water sediments.

Additional special monitoring or enforcement programs have not been adopted for other project mitigation. Current FHWA and Caltrans policies and procedures are adequate to ensure that all of the project mitigation measures referenced and/or prescribed above are carried out.

## **Response to Comments Received on the Final EIS**

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The FEIS was circulated for review by other governmental agencies, organizations, and the public on February 8, 2000 and its availability was published in the Federal Register on February 18, 2000. The 30 day comment period on the document closed on March 20, 2000. Note: Bold text refers to date of comment letter and the following discussion is our response to the comment(s).

### **U.S. Environmental Protection Agency (dated 04/19/00)**

#### General Remarks

Discussions of the project with EPA began in 1993 during the Section 404 pre-application process. On September 7, 1994 EPA replied with concurrence on the project purpose and need, alternatives, and criteria for alternatives selection

The San Diego Region has lead the nation in its conservation efforts with the Multiple Species Conservation Plan. It was been praised and applauded by many, including Secretary of the Interior Babbitt. In 1998, Secretary Babbitt visited San Diego to observe the formal entry of the local jurisdictions into the program when the establishment of Rancho San Diego Preserve was celebrated. He claimed it to be a “watershed moment of making real history.” Route 125 South is located in the study area for the San Diego Multiple Species Conservation Plan (MSCP). The MSCP study area comprises approximately 235,726 hectares (582,243 acres) in southwest San Diego County, and includes the cities of San Diego, Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee, as well as a large portion of the unincorporated area of southwestern San Diego County. It establishes a program for assembly and management of a preserve for conservation of biological resources within a Multiple Habitat Planning Area (MHPA) totaling approximately 69,602 hectares (171,917 acres) of vacant land. Approximately 40,890 hectares (101,000 acres) are in the unincorporated areas of San Diego County. The County of San Diego developed a subarea plan which was approved, and an Implementing Agreement which was executed between the County and the wildlife agencies in November, 1997. MHPA boundaries are delineated in the south county segment of the County of San Diego’s MSCP subarea plan, and the preferred alternatives for Route 125 South is depicted and acknowledged in the approved subarea plan.

The 93,111 hectares (23,000 acre) Otay Ranch project is a transit-oriented “neo-traditional” development with urban core, residential, university, industrial, commercial, and light rail transit incorporated into its design. It includes a resource management plan (RMP) which sets aside a preserve of approximately 4524 hectares (11,375 acres). The RMP has been approved by FWS. Also, it is understood that EPA featured the Otay Ranch project as an example of smart growth at a conference in Los Angeles in 1999.

In addition, the 1,052 hectares (2,600 acre) San Miguel Ranch development sets aside approximately 682 hectares (1,686 acres) in preserve. This preserve has been approved by FWS.

The Route 125 South project has been developed in cooperation with the local jurisdictions in response to the need for adequate regional infrastructure. The EPA, COE and FWS have greatly assisted to develop a project which avoids and/or minimizes harm to sensitive natural resources. Detailed response to EPA's comments are addressed below.

### Arterial Roadways

Chapter Two, Section 2.4.1 discusses the "No Build" Alternative or the Chula Vista Interim Plan. Also see Chapter One, Section 1.7, Figure 1-8, Year 2015 No Build Forecast Volumes, which delineates future arterials within the 20-year plan.

In describing transportation projects related to the proposed Route 125 South project, the FEIS discusses the Chula Vista Interim Plan, which is specifically intended by the City of Chula Vista to address arterial highway improvements in the event that the Route 125 South project is not constructed. Of the projects in the Chula Vista Interim Plan, all but one "would be developed at some future date regardless of Route 125 South construction as they are improvements to the local circulation system." (FEIS at page 1-13.) The segment excepted from this conclusion, "segment 5" is described as a new roadway in the Route 125 South corridor which would be constructed only if Route 125 South is not constructed. All other remaining arterials are expected to be constructed regardless of Route 125 South. In fact, one segment has been constructed (Bonita Road Bridge widening) and construction on another segment is currently underway (Olympic Parkway). This "interim" plan does not adequately address the regional transportation needs of the South Bay area of San Diego County. It would serve only a limited portion of Chula Vista's planned future development between 2000 and 2007 and would not address any of the other specific goals of the Route 125 South project.

More generally, the essence of the EPA comment is that the FEIS should provide additional detail regarding the impact of local arterials planned by local agencies. EPA's comment in this regard is founded on its assumption that the Route 125 South will determine the precise location of local arterials. In fact, the location of local arterials will not be determined by the alignment of Route 125 South, but will be determined through the local planning process conducted by the local governments in San Diego County in accordance with the San Diego County Multi-Species Conservation Plan (MSCP) (discussed below). The location of interchanges on Route 125 South simply reflects the present stage of the local circulation system planning process (in particular the approved environmental document for the Otay Ranch GDP and the San Miguel Ranch), and the decisions previously made by the FWS in the MSCP after the preparation and approval of an EIS.



Nevertheless, the FEIS for the Route 125 South does evaluate the impacts of those local arterial improvements. As the EPA acknowledges, a general evaluation of the impact of the arterials is appropriate where, as here, the proposed highway does not fix the precise location of the arterials. The FEIS includes the discussion of several interchanges at their approximate locations. The FEIS indicates that extensive future arterial roadway development will occur with or without the Route 125 South project. The description of the no-build alternative (that is, the conditions expected to occur if the Route 125 South project is not constructed), specifically lists anticipated arterial highway improvements, including new arterial highways. This discussion, in Section 2.4.1 of the FEIS, includes La Media Road, Otay Valley Road, Rock Mountain Road, Birch Parkway, Olympic Parkway and Mt. Miguel Road, among others.

Although future arterials are expected to be developed, and the FEIS identified anticipated interchanges with arterials, the specific locations of the arterials and their potential effects are not yet known precisely since they are subject to local planning decisions which have not been completed. The FEIS does address the effects of the interchanges planned within the 20-year horizon since those areas are included within the impact area for the Route 125 South project. The interchange for the Lonestar Road is expected to be accommodated within the footprint of the toll plaza/administration complex of Route 125 South. The remaining interchange south of Rock Mountain would occur beyond the 20-year planning horizon and is considered speculative, i.e., not within the reasonably foreseeable future. The FEIS also proposes an alignment for La Media Road and the LRT project which would reduce impacts to vernal pools. While the exact locations of the future interchanges are unknown, they were considered and the proposed mitigation for potential impacts within these interchange areas. Caltrans will continue to work with the local agencies to advise them on ways to avoid or minimize any impacts to sensitive resources of the local streets and their respective interchanges with Route 125 South.

La Media Road is also addressed in the FEIS (Section 4.6.5), the SDEIS (Section 3.3.1), and the Biological Technical Study Report (April 1995). Although not a part of the Route 125 South project, construction of the Brown Field Revised segment may play a role in determining the alignment of the future extension of La Media Road through the vernal pool, non-native grassland complex on Otay Mesa. FHWA, Caltrans, FWS, and the COE worked very closely together to reduce impacts of Route 125 South to vernal pools on Otay Mesa. In doing so, the FEIS also proposed an alignment for La Media and the future light rail facility which would accomplish the same goal. This proposal successfully reduced the original 1 hectare (2.5 acres) estimate of impacts to 0.01 hectare (0.24 acre) of impact (includes temporary impacts).

Olympic Parkway is currently under construction, having completed a permitting process pursuant to Section 404 of the Clean Water Act. Permit No. 9920041100-TCD, issued in October 1999, authorizes the impacts associated with construction of Olympic Parkway, including impacts to approximately 3.2 hectares (7.96 acres) of waters of the United States including jurisdictional wetlands which will be mitigated with a combination of on-site and off-site wetland creation totaling 6.1 hectares (15.01 acres). This wetland mitigation is based on an on-site replacement of Willow riparian scrub and riparian woodlands at a 3:1 ratio, replacement of freshwater marsh and Mulefat scrub at a 2:1 ratio and replacement of disturbed herbaceous wetlands and unvegetated waters at a 1:1 ratio. An additional 1:1 mitigation ratio for project-related impacts to herbaceous wetlands of 1.7 hectares (4.29 acres) will be provided at an off-site location approved by the COE in coordination with other regulatory bodies including the Environmental Protection Agency. The Negative Declaration prepared by the City of Chula Vista in February 1999 describes the impacts of the Olympic Parkway project on resources other than wetlands and waters of the United States. The fact that Olympic Parkway received federal approvals from the COE under section 404 of the Clean Water Act and is now under construction is itself evidence that Olympic Parkway is a project separate and distinct from Route 125 South and that the completion of Olympic Parkway and other local arterials is not contingent on the completion of Route 125 South.

Mt. Miguel Road is addressed in the EIR for San Miguel Ranch (approved by the City of Chula Vista). However, the EIR does not specifically identify the impacts of the Mt. Miguel Road. The EIR indicates that impacts to wetland and riparian resources can be mitigated below a level of significance, but no 404 permit for development of Mt. Miguel Road has been issued to date. Other highway projects are not so far along in the development process, precise locations for the arterials have not been adopted by the local agencies, and therefore impacts of these arterials cannot be addressed in greater detail. Again the cumulative impacts of these future projects are described in Section 4.20 and Appendix C of the FEIS, based on available information.

As with Olympic Parkway, if future arterials may affect wetlands or waters of the United States, federal and public review of such impacts, and related impacts to riparian habitat, will occur through compliance with the 404 permits process of the COE. On a subregional scale, the public and relevant federal agencies have already evaluated impacts related to development of infrastructure as part of the development and approval of the MSCP.

The FEIS in Section 4.20 and Appendix C contains information regarding cumulative impacts and indirect or secondary impacts of local arterials as a part of local developments within the reasonably foreseeable future. Also, see Revised Table 1-3, Attachment "B" of the ROD.

With regards to the use of the FWS NWI data, this information is dated (1986) and may no longer be representative of existing conditions or the conditions that existed when biological surveys were performed for the Route 125 South project. At EPA's direction, indirect impacts to drainages were considered 91.4 meters (300 feet) upstream and downstream of the project.

## Connected Actions

As indicated in the FEIS, the Route 905 project is independent of the Route 125 South project. Neither Route 905, nor the interchange between Route 905 and Route 125 South, are essential components of the Route 125 South project. Route 125 and Route 905 have independent utility and are being developed on separate planning schedules. This is consistent with Federal Highway Administration NEPA regulations, and with a long line of federal court decisions interpreting NEPA and the FHWA NEPA regulations. (See, 23 C.F.R. § 771.111(f); See, e.g., Daly v. Volpe, 514 F.2d 1106 (9<sup>th</sup> Cir. 1975) [Approving EIS on seven mile highway segment]; Save Barton Creek Ass'n v. FHWA, 950 F.2d 1129 (5<sup>th</sup> Cir. 1992).

Even though the Route 905 project is completely independent of Route 125 South, the Route 125 South FEIS discloses potential impacts of Route 905. Current schedules show that Route 905 will follow the Route 125 South project, and will include a freeway to freeway interchange in its design.

Route 905 is identified in the Route 125 South FEIS as a related project and its potential impacts are discussed in Chapter Four, Section 4.20 of the FEIS. According to the March 2000 addendum to Biological Technical Report for Route 905, the proposed Route 905 project would impact approximately 0.15 hectares (0.36 acres) of wetlands and 0.053 hectares (0.13 acres) of vernal pools.

The total area of jurisdictional areas impacted would be approximately 0.53 hectares (1.31 acres). The ultimate interchange proposed for Route 125/905 would impact agricultural and disturbed/developed lands; there are no sensitive resources in the area. Since the Route 905 project is being developed on a later schedule than Route 125 South, it is appropriate for the interchange between the two facilities to be included in the later project. The Route 905 project will include appropriate mitigations to fully address its impacts.

The Route 125 South FEIS references the “Otay Mesa SR-125/SR-905 Economic Study – Caltrans Advanced Transportation System Development Program” dated November, 1990. Working cooperatively, SANDAG and Caltrans produced the report as part of a statewide planning effort known as the Advance Transportation System Development (ATSD) program. This was a program developed by Caltrans in response to concerns over maintaining an adequate transportation system in the face of increasing traffic congestion, generated by economic growth and activity. It was designed to build partnerships between the local/regional public officials and the private sector. The objective of the program was to plan a transportation system to accommodate development with provision for necessary infrastructure and complementary transportation and land use development.

The study was prepared as one of four demonstration projects in the state. The study, though based on population estimates over time, was speculative. There was no development constrained from occurring without Route 125 or Route 905. This remains the case today on Otay Mesa.

As discussed in section 4.4 of the FEIS, evaluating growth inducing effects of the project, a number of the development projects in the Route 125 South area anticipate the development of the Route 125 South project. However, development projects are expected to proceed even if Route 125 South is not constructed. The fact that this area of San Diego County has experienced significant growth in the absence of Route 125 South is evidence of the reasonableness of the FEIS analysis in this regard.

Projects already completed in the Route 125 South area include EastLake I; EastLake Greens; Bonita Long Canyon; Rancho del Rey; Sunbow; Salt Creek I; Telegraph Canyon Estates; for a total of over 10,000 residential units, including two major arterials (Telegraph Canyon Road/Otay Lakes Road and East H Street).

Projects currently approved include San Miguel Ranch, Rolling Hills Ranch (formerly Salt Creek), EastLake Trails, EastLake Business Center, EastLake Village Center, Otay Ranch (GDP) and SPA I.

The Chula Vista Transportation Phasing Plan requires interim improvements to the local arterial system assuring development of an adequate transportation system for each phase of local development projects. The FEIS does indicate that several specific development projects have received local approvals conditioned on development of Route 125 South (See Section 4.4.6. of the FEIS). However, based on other project approvals, it is reasonably foreseeable that these projects will be developed in the absence of Route 125 South, provided alternative transportation improvements are identified to serve the new development. Moreover, the FEIS does present all available information with regard to the potential environmental effects of these development projects, by summarizing the information presented in the environmental impact reports prepared for these projects. Appendix C to the FEIS describes the cumulative impacts of major development projects within the Route 125 South project area, and identifies the relevant Environmental Impact Reports and other environmental documents which describe these effects in more detail.

In addition, the development in the Route 125 South project area has been evaluated as part of the analysis of the MSCP. The MSCP is discussed in the Route 125 South FEIS with regard to biological impacts (FEIS, Section 4.6.) The MSCP planning process began in 1991, and involved extensive and ongoing interagency and public discussion, culminating in approval of the MSCP by the FWS in 1997. The MSCP was designed to provide a comprehensive habitat conservation planning program for southwestern San Diego County. It is specifically intended to allow local jurisdictions to maintain land use flexibility, by creating a regional preserve system that can meet future public and private project mitigation needs. In particular, "by identifying priority areas for conservation and other areas for future development, the MSCP will facilitate and improve certainty of development outside the preserve area. (Final MSCP, August 1998, page1-4.) In this way, the MSCP serves to create effective urban growth boundaries in the Route125 South area, by defining areas which will be preserved, and areas available for development.

The EIS for the MSCP encompasses a study area of approximately 235,726 hectares (582,243 acres) or approximately 909 square miles in southwest San Diego County, and includes associated cities including Chula Vista, Coronado, Imperial Beach, La Mesa, Lemon Grove, San Diego, and others.

Scoping for the MSCP EIS was initiated in 1995, when the FWS and the City of San Diego published public notices of availability and requested comments on the DEIS. After extensive public comment, the program was revised and a new DEIS was circulated for additional comment in 1996. The MSCP study area, evaluated in the MSCP EIS, contains much of the current or proposed urbanization in the southern San Diego County area, and encompasses all of the Route 125 South project area. Focusing on the establishment of a large scale preserve for conservation of biological resources, the MSCP also provides for allowing development outside the preserve area which will be mitigated by conservation inside the preserve. By establishing areas which are off limits for development, and authorizing development to proceed, notwithstanding biological impacts, outside the preserve areas, the MSCP, and the development contemplated under the MSCP and MSCP EIS, provide additional demonstration that the growth associated with the Route 125 South project area has been addressed on a regional basis.

Again, the impacts of these projects were considered and addressed in the Route 125 South FEIS (see Chapter Four and Appendix C of the FEIS). This was presented in summary form for this document and the project specific EIRs were incorporated by reference. The locally approved projects are not subject to NEPA, but are subject to thresholds imposed by the local agencies under CEQA.

#### Unplanned Growth

The initial statement under “Unplanned Growth” in EPA’s letter is taken somewhat out of context when considering the discussion under Section 4.4.6 “Growth Impacts, Amount of Growth”, in the FEIS. The two preceding sentences say that the project is unlikely to affect the absolute amount of growth in the study corridor or the San Diego Region over the short term (20 years or less). And, that substantially all of the project area has been committed to approved land uses. Addressing potential long term growth (beyond 20 years) is considered speculative, not in the “reasonably foreseeable future”. The FEIS does acknowledge growth which expected to occur in the area and addresses the cumulative impacts in Appendix C.

As indicated in the FEIS, most of the Route 125 South project area is already subject to proposed or approved development plans, or designated for open space preservation as part of the MSCP or other preservation mechanisms. As a result, the reasonably foreseeable development in the project area is described in the FEIS by reference to the environmental documentation prepared for these development projects. These specific environmental documents are summarized in Appendix C to the FEIS. Attached to this response is a revised Table 1-3 (see Attachment “B” in the ROD) from the FEIS which summarizes not only the size and general status of the projects anticipated in the Route 125 South area, but also to specifically identify the extent of biological impacts anticipated for each of these projects, including endangered species and wetlands and specific wetlands mitigation when information was available in project EIRs. Similarly, impacts on biological resources, as well as other environmental effects are described in Appendix C of the FEIS.

Although the FEIS concludes that the project is likely to encourage unplanned growth related to the industrial development on Otay Mesa and the associated border crossing, such development is not anticipated to occur over the short-term. Moreover, since no such development is proposed at this time, attempting to describe its nature in more detail or to define its potential environmental effects, would be speculative. The FEIS's evaluation of growth inducing impacts meets and exceeds the standards established by the Ninth Circuit Court of Appeals for the evaluation of these impacts. Laguna Greenbelt, Inc. v. U.S. Department of Transportation, 42 F.3d 517, 525 (9<sup>th</sup> Cir. 1994) [rejecting challenge to growth inducing analysis in FEIS for State Route 73 in Orange County]. The FEIS for Route 125 South has gone beyond the analysis affirmed in Laguna Greenbelt to specifically identify the impacts of development projects in the area surrounding the project – even though the record indicates that development is likely to occur in this area in the absence of the construction of Route 125 South.

The project is expected to affect growth by accommodating planned and approved development, and by expanding access to development areas including new and improved access to previously undeveloped land. The project is expected to have effects on the rate of growth on the short term and on the location and total amount of growth over the long term. The growth inducing effects of the project, however, are minimized by the local and regional land use plans in the project area, including the MSCP approved by the FWS and the CDFG and being implemented by local jurisdictions in the Routes project area. This large-scale subregional habitat conservation plan effectively limits the areas which may be subject to growth pressure, by setting aside substantial habitat reserve areas and specifically identifying areas where development is allowed in accordance with the state and federal endangered species acts. For example, of the approximately 9,311 hectares (23,000 acres) of the Otay Ranch, over 4,453 hectares (11,000 acres) are designated for open space preservation pursuant to the MSCP.

Other constraints to growth include the future availability of developable land. In general, lands in floodplains, with steep slopes, or in public ownership are constrained from urban development. Growth is also constrained in areas of rare, endangered, or sensitive biological resources. Several single and multiple species habitat conservation planning efforts are underway in the growth analysis study area (Natural Community Conservation Program, Sweetwater Habitat Management Plan, Vernal Pool Planning Area/National Wildlife Refuge). In general, the goal of these efforts is to preserve sensitive resources and connecting corridors to avoid fragmentation of habitat and thereby maintain its long-term viability. Most prominent of these efforts is the Multiple Species Conservation Plan. These constraints are discussed in the FEIS Chapter Three and the Socioeconomics Technical Study Report for Route 125 South.

The EPA letter suggests that a supplemental EIS must be prepared for full public disclosure of the expected direct, indirect, and cumulative environmental impacts. The public involvement process for the Route 125 South project and the development projects has been extensive. The Otay Ranch project alone had 11 community advisory task forces. Letters were sent to over 800 south county community leaders and residents inviting their involvement. The task forces were consolidated into four ongoing committees which met about monthly. Well over 130 public meetings and on site workshops were held on the project. For the San Miguel Ranch project, advisory committees were also developed and many public meetings were held during the development of the project. Multiple public meetings have been held for all the development projects in the south bay area. Public meetings for these projects have been also advertised extensively in print media. For Route 125 South, Caltrans, FHWA, and the franchisee have been meeting with the public; local, state, and federal agencies with great frequency for years (see Chapter Five of the FEIS). A citizens advisory committee, project development team, and a mitigation working group were developed to establish an open line of communication between the public, the agencies, and Caltrans.

### Air Quality

The air quality analysis studies were conducted for the project in compliance with applicable federal regulations including the provisions of 40 CFR 93.110. The regional emissions analysis conducted by SANDAG, the metropolitan planning organization, addresses the regional effects of both ozone and CO.

The region's most current model (Series 8 land use) was used to perform a thorough examination of air quality impacts. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) made a joint conformity determination on the San Diego Association of Governments (SANDAG) 1998-2004 Regional Transportation Improvement Program (RTIP) on October 5, 1998, and the 2020 Regional Transportation Plan (RTP) on April 13, 2000. According to the 2020 RTP, the air quality has been improving in the San Diego Region and is expected to continue to improve in the next 20 years. The 1998 RTIP includes Route 125 South as a four-lane tollway. The 2020 RTP includes Route 125 South as an initial four-lane facility with future upgrading to eight lanes in the north and six lanes south of Olympic Parkway. Both the RTP and the RTIP have been found to conform with the State Implementation Plan (SIP) as required by Section 176 of the Clean Air Act. The Project "comes from" a conforming transportation plan and transportation program as required by Section 176 of the Clean Air Act.

After circulation of the DEIS, the FWS and the EPA recommended that the width of the proposed facility be reduced in the southern segment of the project in order to minimize impacts to biological resources (vernal pools and endangered species). Because future projected traffic levels did not indicate a need for an ultimate eight-lane facility from Otay Mesa Road to Olympic Parkway, the width of the southern terminus of the proposed Route 125 South facility was reduced to six-lanes (with provisions for HOV lanes or transit facilities). This change is reflected in the current RTP.

The conformity hot-spot analysis demonstrates that the Route 125 South project does not cause or contribute to any new localized CO violations or increase the frequency and severity of any existing CO violations. The localized CO analysis performed specifically for this project predicted both one-hour and eight-hour CO concentration levels (5.3 ppm and 3.5 ppm, respectively) well below the State and Federal standards (20 ppm and 35 ppm for the State and Federal one-hour standards, and 9 ppm for the eight-hour standards). Therefore, this project in conformity with the SIP and is consistent with the requirements of the federal Transportation Conformity Rule.

The statement in the FEIS regarding encouraging unplanned growth is taken out of context by EPA. The statement was only in relation to long term (more than 20 years in the future) industrial development on Otay Mesa and at the border. In fact, the FEIS in Section 4.4.6 specifically states, *“Because most of the study area is already subject to planned and approved development, the project is not expected to stimulate unplanned growth in the study area.”*

Cumulative impacts of planned development were considered in both the regional emissions analysis performed by SANDAG on the RTP as well as localized CO analysis contained in the DEIS. Both analyses use SANDAG’s Series 8 land use and traffic demand projections. The Series 8 projections did include the planned land use development expected in the project area by 2015, including San Miguel Ranch, EastLake, Rolling Hills Ranch (formerly Salt Creek Ranch), and a large portion of Otay Ranch including the SPA One Project and the Eastern Urban Center, Otay Mesa including Brown Field (City of San Diego), and East Otay Mesa (County of San Diego) projects.

SANDAG’s Series 8 projections used for Route 125 South correspond to the level of development planned by local and regional agencies in charge of land use, which by 2015 would include the development projects proposed in the area and summarized in Appendix C, and other projects not yet specifically identified but which are assumed in the projections. The proposed industrial and commercial land uses in the San Diego Air Commerce Center (SDACC) project were not included in the assumptions for Otay Mesa in Series 8. Only land uses shown in the general plans of the local jurisdictions are included in Series 8. A general plan amendment would be required to include the SDACC. It has not yet been approved by the City of San Diego or the Federal Aviation Administration. It should be noted that the highway itself is not a traffic generator. It will help relieve existing and future traffic generated by previously approved and planned development, by reducing out of direction travel and diverting stop and go traffic from local streets and arterials. The air quality study documents the tollway will improve regional air quality as compared to the no build alternative.

The FEIS demonstrates that Route 125 South will not exacerbate increases in traffic (Table 1.1). On the contrary, the project will help improve air quality and is part of a comprehensive regional transportation network designed to serve the growing South San Diego County population in accordance with the development plans of the local jurisdictions.



Increases in traffic generation and vehicle emissions due to developments are consistent with SANDAG's traffic projections and air quality models used in the FEIS. The population increases were included in the Series 8 growth projections.

### Aquatic Resources

A description of the types of wetlands and waters directly and indirectly impacted by the project was provided in the SDEIS (Section 3.2), the FEIS (Section 4.6.1), the Biological Assessment (January 1999) and the Biological Technical Study Report (April 1995).

Wildlife corridors and fragmentation issues are discussed in the FEIS in Section 4.6.4 and SDEIS page 3-24. Given current development plans, future planned open space, potentially fragmented or isolated habitat, and requirement of both local and regional corridors, three potential wildlife linkages were identified in the project area: Otay River Valley, Proctor Valley, and Sweetwater River. The highway will cross the Otay River Valley and the Sweetwater River Valley on bridge structures. The structures have been designed so that wildlife movement in these areas will continue. The highway will cross the Otay River Valley on a 1,011 meters (3,320 foot) long structure, approximately 54.8 meters (180 feet) in height. The highway will cross the Sweetwater River Valley on a 453 meter (1,487 foot) long structure, approximately 41 meters (135 feet) in height. Bridge pier placement will be on about 86 to 91 meters (285 to 300 foot) centers. The highway will cross Proctor Valley, isolating patches of habitat west of the alignment from large tracts of natural habitat to the east. This area is considered a local wildlife corridor; due to the relatively small amount of contiguous habitat west of the proposed highway and other non-contiguous native habitats that are intermixed with dense existing and planned/approved residential and commercial development. This area does not meet the standard of a regional wildlife corridor (i.e., a crucial link between large contiguous blocks of natural habitat). The proposed highway will cross Proctor Valley Road on a structure that will remain as a roadway only for non-vehicular traffic and emergency vehicles. This will minimize impacts to wildlife movement.

The proposed project would directly impact 4.3 hectares (10.74 acres) of wetlands — 2.27 hectares (5.61 acres) permanently and 2.06 hectares (5.13 acres) temporarily. The 4.3 hectares (10.74 acres) of direct wetland impacts includes 0.1 hectare (0.24 acre) of vernal pools and 0.4 hectare (0.11 acre) of isolated ephemeral wetland containing spreading navarretia. Other types of wetlands that would be impacted include freshwater marsh, mulefat scrub and southern willow scrub.

Indirect impacts to vernal pools and listed species, including San Diego fairy shrimp, San Diego button-celery, and Otay Mesa mint on Otay Mesa in the vicinity of the Brown Field Modified Revised segment could occur. Several vernal pools supporting these species occur from 12.2 to 91.5 meters (40 to 300 feet) of the right-of-way. Although the alignment has been refined to avoid direct impacts on these pools and associated species to the extent feasible, indirect impacts are still possible. These include possible impacts from trash and litter, vehicular accidents and related rescue operations, human generated wildfires (e.g., cigarettes and sparks), dust and exhaust emissions, noise, and lighting. However, these effects will be attenuated because the roadway will be below grade in the area adjacent to the vernal pools.

The proposed project would directly impact 0.9 hectares (2.15 acres) of jurisdictional Waters of the U.S.. All of these impacts are permanent in nature.

Chapter Four of the FEIS and Section 3.2 of the SDEIS discuss the impacts to aquatic resources and the presence or absence of associated protected species. A further detailed discussion is included in the Biological Resources Technical Study Report (April 1995), the Biological Assessment (January 1999), and the Biological Opinion (February 1999) in Appendix I of the FEIS. As stated in the FEIS, impacts to wetlands, with the exception of vernal pools, and Waters of the U.S., are not considered substantial. There need only be a brief discussion of other than significant issues in the EIS (1502.02(b)).

The committed mitigation plan is to restore about 11.7 hectares (29 acres) of wetlands, including vernal pools. Mitigation for impacts to vernal pools and associated sensitive species (San Diego fairy shrimp and spreading navarretia) will include acquisition of 4.8 hectares (12.0 acres) on Otay Mesa outside the MHPA currently under New Millennium ownership. Mitigation for temporary impacts to wetlands, which will occur at the bridge crossings at the Sweetwater and Otay Rivers, will consist of on-site restoration of non-vireo quality habitat following completion of the project. Mitigation for permanent impacts to wetlands and waters of the United States will consist of restoration of 7.27 hectares (17.96 acres) of vireo quality habitat at one of two sites: Dulzura Creek on Daley Ranch or the Otay River on Otay Ranch.

The analysis of upstream and downstream impacts was included in the Biological Assessment and is summarized in the SDEIS and the FEIS. At EPA's direction, the potential for impacts 91.4 meters (300 feet) upstream and downstream of the project was considered. It was determined that there would be no indirect effects to waters. The indirect effects to vernal pools are discussed above. This information can be provided for the 404 permit. Except for the Sweetwater and Otay Rivers, drainages in the project area are essentially ephemeral, primarily fed by urban runoff. Analyses of temperature change before and after the project may be difficult, if even possible.

The goal of highway drainage is to perpetuate natural drainage. No project feature would substantially change the water surface elevation upstream from any of the project crossing. Appropriate measures will be taken to ensure that the project does not affect the velocity and sediment load of the waters in the project area.

In addition, Caltrans has evaluated the project with respect to impacts that will be created by construction activities. Caltrans and Consultants will prepare a contract package containing:

- project plans showing Best Management Practices (BMP's) to control sediment, stabilize slopes & protect inlets;
- project specifications describing BMP's and telling the Contractor what his/her responsibilities are; and

- \_ project estimate listing BMP items of work with quantities and costs

The proposed freeway construction project increases the potential for downstream erosion and one or more of the following BMP's will be incorporated into the project to lower the potential:

- \_ Earth Dikes, Drainage Swales and Lined Ditches
- \_ Outlet Protection/Velocity Dissipation Devices
- \_ Flared Culvert End Sections

The design will impact existing slopes, but the chosen alignment will minimize this impact. The new slopes are expected to be 1:2, but a few slopes will be steeper than 1:2 if the geotechnical studies indicate this is a feasible option. To lower the potential for slope erosion, one or more of the following permanent BMP's will be used:

- \_ Permanent Seeding and Planting
- \_ Slope Drains and Subsurface Drains
- \_ Top and Toe of Slope Diversion Ditches/Berms
- \_ Slope Roughening/Terracing/Rounding

To lower the potential for rill, gully and channel runoff one or more of the following permanent BMP's will be used:

- \_ Earth Dikes, Drainage Swales and Lined Ditches
- \_ Check Dams
- \_ Level Spreaders

To prevent Erosion at Entrance and Exits of Cross Drains one or more of the following permanent BMP's will be used:

- \_ Outlet Protection/Velocity Dissipation Devices
- \_ Flared Culvert End Sections

Existing vegetation will be preserved as much as possible during soil disturbing activities, but graded areas will be stabilized with one or more of the following BMP's:

- \_ Permanent Seeding and Planting
- \_ Mulch
- \_ Rock, Rip-Rap and other physical stabilization

Using Table 4-6 in the *Caltrans Storm Water Quality Handbook, Planning and Design Staff Guide, September 1997*, temporary controls practices are warranted:

The San Diego region receives 45.7 cm (18 inches) of annual rainfall or less and the active area limit is 2 hectares (5 acres). Sediment control shall be used along site perimeter and below significantly erodible slopes and soil stabilization will be used on all disturbed soils. For the above situation, no active stockpiles should be allowed unless approved by District Environmental Department.

To satisfy the control measures described above for sediment and soil stabilization one or more of the following permanent BMP's will used:

- \_ Temporary silt Fence
- \_ Temporary Straw Bale Barrier
- \_ Temporary Fiber Roll
- \_ Temporary Sand Bag Barrier
- \_ Preservation of Existing Vegetation
- \_ Temporary Seeding and Planting
- \_ Temporary Mulch
- \_ Temporary Erosion Control Blanket
- \_ Temporary Soil Stabilizers
- \_ Temporary Fiber Roll

The implementation of the BMPs may likely improve downstream water quality and reduce pollution.

The BMPs listed above for temporary and permanent controls are in compliance with requirements determined by the NPDES permit with the State Water Resources Control Board (SWRCB) and the Consent Decree (No 90-0037-EIG) between Caltrans, EPA, National Resources Defense Council (NRDC) and the San Diego Baykeeper. On August 19<sup>th</sup> of this year, a new statewide permit was adopted by SWRCB and is pending approval with EPA. When the new permit is approved, Caltrans will re-evaluate the project to verify these BMP's are in compliance with permit requirements.

#### NEPA/404 Process

FHWA and Caltrans have complied with the intent of the NEPA/404 MOU. As evidence of this conclusion, the COE has determined that the selected alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA). EPA conditionally concurred in the LEDPA determination on January 13, 2000 (rescinded on April 19, 2000, as comments on the FEIS) and the FWS has determined that the biological impacts of the selected alternative have been fully mitigated.

The history of the coordination between the signatories to the MOU documents the extent of compliance with the MOU. The NEPA/404 MOU was developed as a cooperative effort to streamline project processing while conducting value-added reviews. By doing this, it was believed better projects would be achieved.

The MOU process allows for the joint circulation of the project DEIS and the Section 404 public notice. This is of great value when a preferred alternative is identified at the DEIS stage. However, there are times when it is not appropriate to identify a preferred alternative prior to public review of all information available on all alternatives. This affords the decision-makers the opportunity to consider public comment, particularly on projects of controversy, prior to making a decision. In the case of the Route 125 South project, the consideration of public comments played a large role in identifying the preferred alternative. Based on the comments received, further design efforts were undertaken to determine if further reductions in natural and community resources were possible. The idea that value-added public comments and resource agency comments lead to the development and delivery of a better project is firmly believed and supported through the development of Route 125 South.

Per the NEPA/404 MOU, EPA and the COE are to concur on the least environmentally damaging practicable alternative (LEDPA) and the adequacy of mitigation prior to implementing this project. Even though not a requirement of the MOU, EPA asked that FWS concur in the LEDPA. In a letter dated April 4, 2000, the FWS responded that the Conduit Road West alignment would have fewer impacts to wildlife resources than the Conduit Road East alignment. However, the FWS did not state that the Conduit Road East alignment was not the LEDPA. FWS responded that the Conduit Road East alignment, with the mitigation package proposed, was biologically acceptable and evidence of such is the “non-jeopardy” Biological Opinion, which FWS issued in February 1999.

Subsection III(c) of the Alternative Analysis and Aquatic Resource Avoidance chapter of the *Guidance Papers to Facilitate the Implementation of the Memorandum of Understanding for the NEPA and Section 404 Integration Process* (Guidance Papers) states that:

*“The Clean Water Act 404(b)(1) Guidelines require that the practicable alternative that would involve the least adverse impact to aquatic resources be chosen unless this alternative would have other significant environmental consequences (40 CFR 230.10(a)) ¼ When evaluating harm to non-aquatic resources ¼ the alternatives selection process evaluates reasonable and prudent alternatives based on ‘net harm’ (after mitigation) of the alternative to 4(f) properties or other environmental resources.”*

The wetlands impacts of the two northern alternatives are similar, approximately 1.2 hectares (3.0 acres) (The Conduit Road West segment has slightly more wetland impacts). This reduces the LEDPA analysis to an evaluation of impacts to non-aquatic resources after mitigation. While it is true that the Conduit Road East alignment has greater impacts to biological resources than the Conduit Road West alignment, substantial mitigation has been developed for the Conduit Road East alignment and accepted by the FWS. The FWS has determined that the impacts of the selected alternative have been “fully mitigated.”

The Conduit Road West alignment has greater socioeconomic impacts to the Bonita-Sunnyside community. The Bonita-Sunnyside community is impacted in several ways by the project—noise, visual, community character. These impacts are all lessened by the Conduit Road East alignment since it is farther from the community and takes fewer homes and businesses.

Through coordination with FWS, it was possible to mitigate impacts to the biological resources in the Conduit Road East area with an extensive mitigation package. Therefore, the net harm of the Conduit Road East alignment is considerably smaller when compared to the net harm caused by the Conduit Road West alignment. Thus, the Conduit Road East alignment should be considered the LEDPA. The COE has concurred in our analysis.

### Cumulative Impacts

With respect to future local arterials, again these are “associated” not with Route 125, but with local developments. And, as discussed above under “Arterial Roadways”, Olympic Parkway is currently under construction by the City of Chula Vista through a Development Impact Fee program funded by local developments independently of Route 125. It is discussed in Appendix C of the FEIS. Mt. Miguel Road impacts are disclosed as part of the San Miguel Ranch impacts and mitigations (summarized and referenced in Appendix C of Route 125 South FEIS).

Cumulative impacts of other arterials (Birch Parkway, Rock Mountain Road, and Otay Valley Road) are discussed in the context of the Otay Ranch project EIR to which they are associated and the appropriate mitigation provided by the MSCP, all discussed in Appendix C of the Route 125 South FEIS.

Cumulative effects of future Route 905 are assumed with regards to traffic and air quality as Route 905 is included in the transportation model used for the Route 125 South FEIS. Other impacts of Route 905 were not known when the Route 125 South DEIS, SDEIS, or FEIS were circulated, but have been included for information in this response.

### **U.S. Corps of Engineers (dated 4/18/00)**

Response to comment(s):

#### Additional impacts via interchanges and secondary impacts due to potential development

With regard to the comments on Olympic Parkway, San Miguel Ranch, and Otay Ranch Urban Center: where known, the FEIS Appendix C identifies impacts of the development projects and their arterials. Olympic Parkway is a part of the Otay Ranch project and is included in Appendix C of the FEIS for Route 125 South. Impacts of possible future interchanges at Lonestar Road, Rock Mountain Road, and Birch Parkway are discussed in the FEIS for Route 125 South. It should be noted that the freeway does not set the location of the interchanges. For example, Olympic Parkway is currently under construction and only the Route 125 South Project is receiving final approval with this ROD.

### FEIS lacks adequate analysis and assessment of impacts to waters of the U.S.

The COE has been an invited participant on this project since the Alternatives Report was prepared in 1993. On August 10, 1995, Mark Durham of the COE's Los Angeles office sent a letter to Caltrans stating the project would likely qualify for a nationwide permit. When the regulations changed in 1998, Caltrans sent a letter to Mr. Durham stating that the project no longer qualified for a nationwide permit, and would enter into the NEPA 404 MOU process. A preliminary Section 404 application was submitted to the COE on June 22, 1998. The application was incomplete because at that time there was no LEDPA concurrence. Over the years, Caltrans has kept a log of conversations and correspondence with the COE (See Attachment "A" of ROD). The COE has been invited to be involved in conversations, meetings, and discussions regarding issues of wetlands and waters and the 404 process. Meetings held with FWS involved threatened and endangered species and/or critical habitat. While some areas may have also involved COE jurisdiction, these areas were brought to the COE's attention. However, during the past 11 years, approximately six letters have been received from the COE regarding Route 125 South. These include a letter concurring on project purpose and need, the LEDPA concurrence letter (March 10, 1999), and the April 18, 2000 letter commenting on the FEIS.

No written or verbal requests from the COE have been received regarding additional information on secondary impacts. The DEIS, SDEIS, and the FEIS contain information on secondary and cumulative impacts in Chapter Four and Appendix C. The COE did not comment on the DEIS. The COE has been provided with all the information outlined in its April 18, 2000 (May 2000) letter through the NEPA/404 MOU process and the NEPA documents.

### **County of San Diego (dated 3/10/00)**

Response to comment(s):

Caltrans is committed to executing a cooperative agreement covering the mitigation measures for impacts to the Sweetwater Regional Park and agree it is appropriate that the agreement also cover other mitigation measures related to trails.

### Sweetwater Reservoir Loop Trail

1. Consideration is being given to widening and improving the shoulder of Sweetwater Road (east side) from the Bonita Golf Course to Quarry Road. This improvement may require the acquisition of property from the adjacent property owner.
2. The shoulder of Quarry Road (east side) will be widened and improved for trail use from the junction with Sweetwater Road to the future cul-de-sac.
3. The existing Quarry Road will be changed to accommodate a multi-use trail and bike path. Quarry Road will be closed to through motorized traffic.

4. Caltrans is interested in meeting for a field review of the proposed Spring Valley Creek crossing, as well as the proposed Arizona crossing west of Sweetwater Dam.
5. While this is outside of the scope of our current studies, Caltrans does support the County's efforts to establish the loop trail.
6. Caltrans is committed to providing trail access and improvements within the publicly owned possible future Route 54 corridor from Lakeview Avenue to the Sweetwater Authority's property.
7. Caltrans supports the County's effort to establish the loop trail around the Sweetwater Reservoir.
8. Caltrans will further consider the community's request to provide funds to mitigate the project's impacts to the rural, open feeling of the existing trail system. Caltrans will work with project partners to provide a local or private funding match if it is decided to pursue federal TEA funds.
9. A bridge within the County's existing trail easement, north of the existing bridge at the Bonita Golf Course will be provided to segregate trail users and golfers.

#### Quarry Road Short Loop Trail

1. See Item #4 above regarding Arizona crossing near Sweetwater Dam.
2. See Item #4 above regarding Spring Valley Creek crossing

#### **Sweetwater Authority (dated 3/17/00)**

Response to comment(s):

##### Section I, Item 1.

Based on the selected alternative, Caltrans will provide for the relocation of the potentially affected water facilities at Sweetwater Road and Quarry Road during the final design phase.

##### Section I, Item 2.

The reference to response to comment 1-4-13 in the FEIS was in error. The reference should have been to response to comment 1-4-11, which discusses the best management practices (BMPs) which will be utilized for the project.



### Section I, Item 3.

The storage area and residence owned by Sweetwater Authority (SWA) is included in the relocation impacts discussed in Section 4.1 of the FEIS. For purposes of the FEIS, the affected property owners' names were not included. The Final Relocation Impact Statement (April 1998) does, however, include this information and the Sweetwater Authority's property specifically discussed.

### Section II

While responses to each item in Section II are presented below, please see the full text of the UC Davis study for further information.

#### Section II, Item 1.

The comment is correct. When the reservoir is full, the Horseshoe Bend Modified segment would pass within approximately 122 meters (400 feet) of the reservoir. When the reservoir is at its average depth, however, the highway would be 274 meters (900 feet) away. At the highway's closest point to the reservoir, however, the reservoir is located north of the alignment and the prevailing wind blows from west to east.

#### Section II, Item 2.

The SANDAG report referenced in the Caltrans statement quoted by the Sweetwater Authority is a draft report to the SANDAG Board prepared in May of 1998. The draft report was sent to the General Manager of the Sweetwater Authority for review and comment on May 8, 1998 prior to submittal to the SANDAG board for action. No written comments were received from the Sweetwater Authority, however discussions were held between the General Manager and the Deputy Executive Director of SANDAG concerning the possibility of jointly studying the impacts of air quality on water quality on a regional basis. Based upon this discussion, further action was postponed as it was decided not to present the report to SANDAG board.

Following further discussion between SANDAG, SWA, and Caltrans, the specific request from the Sweetwater Authority for SANDAG to assist in funding a water quality monitoring program for the Sweetwater Reservoir was postponed. In October 1998, the 3 agencies agreed to set up a multi-agency task force to study the general water quality issues in relation to regional air quality.

#### Section II, Item 3.

As stated in the response to Sweetwater Authority's comment Section II, Item 2, above the SANDAG report, in draft form was sent to Sweetwater Authority's General Manager for review and comment on May 8, 1998. No comments were received and the Board agenda item for which the report was prepared, was withdrawn by mutual consent of SANDAG Staff and the Sweetwater Authority in favor of a regional approach.

#### Section II, Item 4.

A test of the “reasonableness” of the assumptions used in the Byard report is the conservation of mass through all the analytical points of the risk assessment. The Byard report estimates more than three times the pollutant mass leaving the reservoir than entering the reservoir, a physical impossibility. This finding alone helps to illustrate the degree to which the assumptions used in the analysis serve to overestimate the health risks. As the California Office of Environmental Health Hazard Assessment (OEHHA) stated in their January 31, 2000 comment letter to the Sweetwater Authority (from Dr. George Alexeeff, OEHHA, to Mr. Richard Reynolds, Sweetwater Authority):

*“Many of the methods used in the risk assessment to develop cancer risk estimates were not based on OEHHA risk assessment methodology. The result was an overestimate of the cancer risk in the assessment.”*

#### Section II, Item 5.

The highest published concentrations of each chemical that were used in the Byard study came from various publications, many of which no longer reflect current (or projected) on-road conditions. As Sweetwater Authority states, it is important to account for changes in fuels, vehicles, and the status of smog control equipment. Older studies pre-date use of improved fuels and cleaner vehicles, both of which serve to reduce automotive emissions. In addition, projections of future vehicle emissions should account for continued fleet turnover and the further reduction of vehicular emissions, as predicted by the California Air Resources Board (ARB). The use of Mexican fuels in Mexican vehicles is already accounted for by separately considering the emissions of Mexican vehicles vs. U.S. vehicles. By law, ARB is required to insure that once MTBE is phased out of gasoline, the resulting fuel does not increase vehicle emissions. As described by ARB in its recent information on Phase 3 reformulated gasoline (Phase 3 is the term used by ARB to describe the fuel that will be in use after the MTBE phase-out is in effect), California gasoline will result in approximately 2 percent fewer NO<sub>x</sub> emissions, and approximately 7 percent fewer air toxics emissions than fuel containing MTBE. Information on ARB’s Phase 3 gasoline is available via the Internet: (<http://www.arb.ca.gov/newsrel/ph3cbg.htm>)

#### Section II, Item 6.

Pollutant deposition velocities for the particles carrying the chemical compounds that contribute the majority of the estimated health risk in the Authority's report (polyaromatic hydrocarbons-PAH) overestimated by a factor of about 100 times the quantity depositing onto the reservoir: The Authority's report assumes a deposition velocity of 2.0 cm/sec; a more realistic and appropriate number to use for a refined calculation is approximately 0.02 cm/sec for the assumed PAH-containing particles in the size range emitted by diesel and gasoline-powered vehicles (Allen et al., 1996; Venkataraman et al., 1994; Venkataraman and Friedlander 1994). Measurements indicate that the majority of the PAH mass in "fresh" vehicle emissions is associated with particles in the ultrafine and fine modes (0.05 - 0.12  $\mu\text{m}$  diameter) (Venkataraman et al., 1994; Miguel et al., 1998). In more "aged" urban particles, the PAH distribution contains a second peak in the 0.5-1  $\mu\text{m}$  size range (Venkataraman et al., 1994; Allen et al., 1996). The fraction of PAH associated with smaller particles increases as molecular weight increases (Allen et al., 1996). The semi-volatile (4-ring) PAH are primarily on particles in the accumulation mode (0.5-1.0  $\mu\text{m}$ ) after aging. The nonvolatile PAH (5-ring and larger) are found mainly on particles in the ultrafine mode (0.05-0.12  $\mu\text{m}$  range) (Venkataraman and Friedlander 1994). Because of the proximity of the emission source to the reservoir the travel time is short, and there is little time for the redistribution of mass from the ultrafine particles to the fine or coarse particle modes.

Furthermore, use of an irreversible deposition velocity as was done for the volatile organic compounds (VOCs) such as benzene, MTBE and vapor phase PAHs is inappropriate.

#### Section II, Item 7.

Recent work by U.C. Davis and others suggests that project-level air quality impacts are insignificant beginning a short distance downwind of the project. These studies document that background conditions are overwhelmingly more important than project impacts. Provided here is a brief summary of three recent studies documenting the insignificant contribution of project-level emissions.

“Final Report: Traffic Generated PM10 Hot Spots” (Ashbaugh et al., 1996): The study evaluated PM10 associated with a Sacramento area intersection (Florin Road and Stockton Boulevard). The authors conducted a field study involving PM10 sampling during August 1995. The study concluded: “All the [PM10] species measured at the intersection dispersed almost completely back to background levels within 100 meters of the intersection. Furthermore, the measured and predicted 24-hour concentration increases due to the intersection were about 15  $\mu\text{g}/\text{m}^3$ , well below the current PM10 standard of 150  $\mu\text{g}/\text{m}^3$ . For this reason, and given the uncertainties associated with surface silt loadings, particularly for projects that have not yet been built, it appears that regional emission budgets would be a better approach to controlling possible exceedances of the [national ambient air quality] standard.”

“Final Report: Wintertime Traffic Generated PM10 Hot Spots” (Ashbaugh et al., 1998): The study evaluated PM10 associated with a heavily-traveled, congested Sacramento area intersection (Sunrise Boulevard and Greenback Lane). The authors conducted a field study involving PM10 sampling during February and March 1997. The study concluded: “The primary objective of this study was to investigate whether a large intersection was likely to be a PM10 “hot spot” during periods of low wind speed and poor dispersion... The concentrations at the SW Far site were higher than at the intersection in nearly all cases, which suggests that the intersection was not acting as a “hot spot” of PM10 ... The highest measured concentrations did not approach the PM10 standard, and were sustained for only a few hours. Thus, the 24-hour average was even lower than the peak concentrations... The Sunrise Boulevard/Greenback Lane intersection is not a “hot spot” of PM10 emissions under the meteorological and traffic conditions measured. This finding confirms the earlier work at Stockton Boulevard/Florin Road, a much smaller intersection. The highest concentrations measured during this study occurred during stagnant conditions, as expected, but they did not approach the ambient air quality standard and were centered on the intersection.”

“Draft Final Report: Multiple Air Toxics Exposure Study in the South Coast Air Basin, MATES-II” (SCAQMD, 1999): The study evaluated air toxics concentrations, including toxic particulate matter emitted by diesel-powered motor vehicles, and assessed the relative concentrations at regional scale and microscale sites. The study focused on air toxics, finding that particulate matter was responsible for the vast majority of mobile source-related air toxics health risks. The MATES-II study monitored air toxics at three microscale sites specifically chosen “because of influence and proximity to major mobile sources (e.g., congested freeways).” The South Coast Air Quality Management district concluded, in part: *“No significantly higher levels of key mobile source toxics compounds, benzene and 1,3 butadiene, were found at any of the microscale sites, including those sited near freeways specifically for mobile source influences.” In addition, the study concluded: “Because risk levels ascribed to nearby sources inventoried for the study are generally much lower than region-wide risk levels, region-wide risks tend to overwhelm any potential local “hot spots.”*

#### **References for Study Summary Descriptions:**

Asbaugh et al., 1996. Final Report: Traffic Generated PM10 Hot Spots. Prepared for the California Department of Transportation, under Caltrans Contract No. 53V606 A2. Prepared by L. Ashbaugh, R. Flocchini, D. Chang, V. Garza, O. Carvacho, T. James, R. Matsumura. Air Quality Group, Crocker Nuclear Laboratory, University of California, Davis. August.

Ashbaugh et al., 1998. Final Report: Wintertime Traffic Generated PM10 Hot Spots. Prepared for the California Department of Transportation. Contract No. 43X878. Prepared by L. Ashbaugh, R. Flocchini, R. Matsumura, T. James, O. Carvacho, C. Tsubamoto, M. Brown. Air Quality Group, Crocker Nuclear Laboratory, University of California, Davis. September 3.

SCAQMD, 1999. Draft Final Report: Multiple Air Toxics Exposure Study in the South Coast Air Basin, (MATES-II). Prepared by the South Coast Air Quality Management District. November. 1999.

#### Section II, Item 8.

Caltrans' estimate of background concentrations comes from the toxic monitoring network maintained by the California Air Resources Board. Peak ambient benzene concentrations for San Diego are on the order of 500 ppt. The conservatively high estimates of benzene produced by the SWA methodology are on the order of about 2 ppt. The point of this example is not to critique the methodology behind the SWA's benzene estimate, but to point out that the results of their analysis run counter to the monitoring results from the reservoir. The background concentration overwhelms the project's contribution (regardless of the SWA's comment about a factor of 50 error). Caltrans' estimate of the projects contribution is based on SWA's report and the health conservative assumptions contained therein. The methodology used in SWA's health risk assessment predicts that existing urban background levels would lead to measurable benzene levels in the reservoir on the order of 10-100 ug/l – which do not exist.

#### Section II, Item 9.

See response to Item 5 above. In addition, several studies show that significant decreases in ambient benzene concentrations (30 to 60 percent) have occurred following the implementation of reformulated gasoline (RFG) in California (and in other parts of the U.S.). To help meet clean air standards, the Clean Air Act Amendments of 1990 (CAAA) required the use of RFG in the nine worst ozone nonattainment areas of the country. San Diego is one of the areas required to implement this program. A key difference between Federal Phase I RFG and conventional gasoline is that RFG has significant reductions in benzene and total aromatic hydrocarbon levels in the fuel and consequently in the exhaust and evaporative emissions. The federal RFG requirement includes two key phase-in milestones: Phase I RFG was required to be available at gasoline retail operations beginning January 1, 1995. Phase II RFG, which requires further hydrocarbon and toxic reductions, is required to be available in the year 2000. In addition, California has had separate fuel requirements that also require gasoline reformulation that target benzene reductions (implemented in early 1996). A more complete discussion of this issue is included in Appendix A of the July 2, 1999 U.C. Davis report: "Proposed State Route 125 South Air Emissions and the Sweetwater Reservoir: A Review of Recent Reports Sponsored by the Sweetwater Authority."

The SWA used emissions data that substantially predates California's reformulation of Diesel fuel and gasoline that reduced toxicity in the mid 1990s. Some of the work cited by the SWA as a source for the emissions data dates back to 1978 – a time prior to fuel injection and computer control of engine operation, and wide use of leaded gasoline. The California Air resources board (ARB), which sets regulations that govern the properties of gasoline used in California. The ARB reports toxic emissions have been dramatically reduced, for example, Phase II RFG reduced toxic emissions by 30% to 40% [ARB Cleaner Burning Gasoline, Fact Sheet 4], and Phase III RFG, the newly required MTBE-free fuel, is estimated to reduce toxics by an additional 7%. Caltrans agrees that there are continuously changes being made to the regulation of emissions from on-road mobile sources, however these changes have resulted in a trend of reduced toxic emissions since 1978. It is odd to site removal of MTBE from gasoline as a probable source of increased toxicity in water – In fact, the reason for removal of MTBE from gasoline is precisely because of it's potential water quality impacts when used as a fuel oxygenate.

#### Section II, Item 10.

UC Davis used benzene as an example pollutant to illustrate that regional air emissions impacts are hundreds of times greater than project-specific air emissions. The fact that benzene is not currently present in the Sweetwater reservoir in harmful quantities, despite the impact of regional emissions, suggests that project-specific impacts will have a negligible impact. The Byard report expresses the concern that there may be unquantified risks associated with other VOCs not yet included in the analysis. As OEHHA noted in their January 31, 2000 comment letter to the Authority:

*“In conclusion, the known physical characteristics of emitted carcinogenic hyrdocarbon VOCs, such as benzene, does not appear to pose a threat to Sweetwater Reservoir following construction and use of SR 125.”*

#### Section II, Item 11.

Please see response to Item 6, above.

#### Section II, Item 12.

A mass balance is a fundamental technique of science, based on the first law of thermodynamics. The rate at which a material will accumulate in the reservoir must equal the rate at which it enters plus the rate at which it is formed, minus the rate at which it breaks down and minus the rate at which it exits. In the case of Sweetwater, the particulates and chemicals may enter the reservoir by direct deposition on the water surface, dissolution from the atmosphere, and in runoff from tributary surfaces, as well as in water imported into the reservoir. These chemicals might be formed by breakdown of more complex chemicals, or may breakdown due to microbial action, UV light, or other chemical reactions. Materials may exit the reservoir in the raw water withdrawn, by settling and depositing on the reservoir bottom, sorbing to soils and other surfaces, evaporating from the reservoir surface, and infiltrating through the reservoir bottom.

Our point was not that the levels of the chemicals should be one third of the Byard Report's estimates, but that the Byard Report had not applied fundamental scientific reasoning to estimating the concentrations of chemicals in the reservoir. The Byard Report only included estimates of direct deposition on the reservoir surface, and incorporated a set of assumptions on how long that deposition would build to a concentration, apparently before any of the chemical would exit. Properly applying a mass balance to the Byard Report's estimate of that one rate and the rate of water use from the reservoir yielded an estimate of the long term concentration for particulate matter about one third of that in the report.

The Byard report and the response to comments sought to justify the faulty estimate by pointing out that the chemicals would also deposit on tributary ground and vegetation surfaces and could be washed into the reservoir. This mechanism could easily be incorporated into a mass balance, but there was no attempt to quantify the effect. The report and response failed to estimate the other possible mechanisms that would tend to reduce the concentrations, including settling and deposition, biological and chemical breakdown, infiltration and sorption.

The very simple mass balance that we performed to illustrate our point that the estimates were improperly done included an assumption of steady state. The reservoir would approach steady state only after a long period of relatively constant inputs and withdrawals. Unless there is a larger mass of the chemical already in the reservoir, a chemical's concentration would be increasing over time to a maximum defined by that steady state mass balance.

The response to comments refers to higher concentrations near the intake. Does a mass of the suspected contaminants already exist near that intake? In any event, it is the mass rather than the concentration that is conserved. If a larger concentration exists near the intake, that concentration will be depleted over time to a concentration that reflects the steady state mass.

### Section II, Item 13.

The purpose of pointing out the problems with Henry's Law are not to support the modification of specific compound concentrations but rather as but one example of the many shortcomings of the simplistic mathematical mass-transfer models that were used when estimating the ultimate risk by the SWA.

Henry's Law defines the equilibrium between the gas phase and liquid phase concentrations for a given substance, and is a fundamental technique of science. The Sweet Water Authority (SWA) ignored Henry's Law. In doing so SWA attributed risks to volatile and semi-volatile compounds that are unrealistic. Again using benzene as an example: The SWA estimates that Scenario 3 in the year 2000 would result in a benzene concentration of approximately 3.5 ug/l in the reservoir. Henry's Law tells us that to reach such a concentration in water, the air concentration of benzene would have to be approximately 250 ppb. That concentration is roughly 500 times larger than the highest benzene levels reported by ARB from their San Diego monitors, and 100 – 200 times higher than the highest concentrations reported from ARB's monitors in downtown Los Angeles.

The juxtaposition of the concentration of benzene in air required to reach the SWA's risk level and the highest concentrations reported by ARB is one example of the important problems with SWA's risk estimate.

#### Section II, Item 14.

As described in the DEIS and FEIS and in more detail in the Route 125 South Traffic Analysis Report, traffic forecasts for the project are based upon SANDAG's "Series 8" land use and transportation demand projections.

It is true that traffic at the south end of the project in the border area is expected to grow from 24,000 vehicles per day (vpd) initially to 74,000 vpd in 2015, i.e. an average growth of 7.8% per year. However, more relevant are traffic projections at the north end of the project, near Sweetwater Reservoir, where traffic is projected to grow from 63,000 vpd in year 2,000 to 119,000 vpd in 2015, i.e. an average growth of 4.3% per year.

Both growth rates are substantially lower than the Byard report assumptions. Dr. Byard's estimate of over 65,000 Mexican vehicles making a trip on Route 125 South in 2015 is not realistic considering that total traffic at the south end of the project is forecasted to be 74,000 vpd.

#### Section II, Item 15.

Truck traffic is projected as a percentage of total traffic, growing from 4.5% of total traffic initially (a percentage similar to those measured on north-south freeways I-5 and I-805), to 6% by 2015. Truck traffic projections at the north end of the project thus increase from 2,800 initially to 7,100 by 2015, a 2.5 fold increase over 15 years or an average annual growth of 6.3%, consistent with the commercial development forecasts in the border area.

However, only a portion of the truck traffic near Sweetwater will be coming from or going to the Otay Mesa border area and an even smaller fraction would actually cross the border. Current traffic counts show that truck traffic through the Otay Mesa border crossing (some 4,000 trucks per day, in both directions) is less than half the total truck traffic in an out of Otay Mesa (on Route 905, just east of I-805) of approximately 9,000 trucks/day. Caltrans estimate that Mexican truck traffic will represent 1% of total traffic (or approximately 20% of total truck traffic) is therefore conservative.

#### Section II, Item 16.

Comment noted. Caltrans response was intended to confirm that all commercial vehicles entering through the Otay Mesa POE are checked for compliance with California emissions standards. Non complying vehicles are either impounded until they are made to comply or returned to Mexico. The point is not that new information was available from the inspections on actual levels of emissions from Mexican trucks, but that any truck allowed to proceed to the north (in particular, any Mexican truck which would use Route 125 in the future) has to comply with California emissions standards and this fact was apparently not considered in the report.



Section II, Item 17.

Comment noted. Remote sensing is less accurate than direct measurement of vehicle exhaust, particularly if the vehicle is tested on a dynamometer with a transient driving cycle.

Section II, Item 18.

Caltrans and staff from UC Davis met with Dr. Byard and others and alerted them to the need to better account for atmospheric processes. UC Davis provided Sweetwater Authority with technical comments on these issues over two years ago, to provide the Authority with technical input that it could use in the completion of its technical work. UC Davis scientists noted to the Authority that an important element of their work should be to consider Henry's Law, which would help the Authority better estimate the relationship between airborne pollutant concentrations and resulting concentrations in a water body. As noted by OEHHA in their January 31, 2000 comment letter to the Authority:

*"1/4a good starting point to reduce the amount of uncertainty in the risk assessment would be to apply Henry's Law to the emitted chemicals, in particular, the VOCs 1/4 Benzene, for example, is considered only slightly soluble in water 1/4 Therefore, only a tiny fraction of the air concentration of benzene would be expected to partition into the water of the reservoir at equilibrium. Since the average air concentration of benzene resulting from SR125 would be in the parts per trillion range, the water concentration would likely be very small and would not pose a significant cancer risk."*

Section II, Item 19.

The Byard report assigns potential cancer risk factors to various substances that have not been officially designated as actually or potentially carcinogenic by OEHHA. In addition, the report assigns water ingestion impacts to compounds that the California Air Pollution Control Officers Association (CAPCOA) considers problematic only from inhalation exposure. As the California Air Resources Board stated to the Sweetwater Authority in their November 8, 1999 comment letter (from Ms. Lynn Terry, ARB, to Mr. Richard Reynolds, Sweetwater Authority):

*"... a significant change from the current guidance is the derivation of cancer potency factors for compounds currently without official Office of Environmental Health Hazard Assessment (OEHHA) health factors. In addition, the Report 1/4 also includes water ingestion impacts from volatile organic compounds such as benzene, acetaldehyde, formaldehyde, and 1,3 butadiene. The CAPCOA guidelines do not treat these compounds as having noninhalation exposure impacts 1/4 Until they [OEHHA] have developed the rigorous technical data to support the development of cancer potency factors, it is not appropriate to derive factors for these compounds without consulting with OEHHA 1/4 We recommend the analysis be revised and include only OEHHA adopted cancer potencies for compounds with potential multipathway impacts."*

The approach taken in the Byard report is also criticized by OEHHA. In their January 31, 2000 comment letter to the Sweetwater Authority, OEHHA stated:

*“<sup>1</sup>/<sub>4</sub>an effort was made [in the Byard report] to split out the numerous individual PAHs found in vehicle exhaust and assign cancer potency values to each of them. More than one hundred are identified in the report with the implication that, given time, many more could be identified and assigned cancer potencies. Most of the PAH cancer potencies are based on results of genotoxicity data and/or inadequate animal data. Deriving cancer potencies based from this type of data involves a great deal of uncertainty and is generally not recommended without extensive peer review and discussion.*

*Currently, the OEHHA report entitled ‘Technical Support Document for Describing Available Cancer Potency Factors’ contains cancer potency factors for five PAHs and potency equivalency factors (relative to the benzo[a]pyrene cancer potency) for 20 other PAHs. These PAHs represent many of the most toxics and abundant PAHs found in vehicle exhaust and will provide an adequate quantitation of the carcinogenicity resulting from the PAHs in exhaust. In addition, the potency factors for PAHs in this document underwent extensive public and peer review during development of the health risk assessment for PAHs conducted for the Toxic Air Contaminant program with ultimate approval by the state’s Scientific Review Panel on Toxic Air Contaminants <sup>1</sup>/<sub>4</sub>”*

#### Section II, Item 20.

Caltrans looks to the States authorities at Office of Environmental Health Hazard Assessment and Air Resource Board for emissions data on specific compounds. Air Resources Board reports the reformulated Diesel cut toxic emissions significantly. Because California Air Resources Board preformed testing to evaluate the benefits of Reformulated Diesel their data base may have the results. Because the SWA used the worst case data that could be found in literature, SWA would have ignored the more recent Air Resources Board test results for Reformulated Diesel. SWA attributes roughly 10% of the total risk to 2-nitrofluorine, up to date data that reflects the benefits of reformulated Diesel should be used.

#### Section II, Item 21.

The presumption that the concentration of pollutant constituents in the exhaust from gasoline powered and diesel powered vehicles are similar enough that they might be used interchangeably is inappropriate. The conditions that lead to pollutant formation in diesel and gasoline powered engines, and, thus, the pollutants and their respective concentrations differ. Diesel powered vehicles burn fuel in droplet form, suspended in the combustion chamber (similar to a fog or cloud) using high pressure and temperature to ignite the mixture (spontaneously throughout the combustion chamber). The diesel combustion process starts out vary lean on the outside edge each droplet resulting in high NO<sub>x</sub> concentrations, as the flame front propagates toward the center of each droplet the, the combustion becomes vary rich, resulting in high concentrations of particulates (e.g., soot).

Gasoline powered engines vaporize the fuel, the fuel /air mixture in the combustion chamber is ignited by a spark. The compression is much lower than that of the Diesel powered engine, the mixture is much more controlled and thus the NOx and Particulate emissions are lower. Exhaust after treatment also differs. Gasoline powered engines have catalytic converters to reduce the pollutant concentrations found in the exhaust. Diesel powered engines typically do not use catalytic converters because the diesel soot interferes with catalyst.

How much of a difference does all this make? The following table compares information from EPA's engine certification database for year 2000 VW Beetles -- a California sold car that has submitted year 2000 results for similarly sized gasoline and diesel engines.

VW 2000 Beetle w/ 1781 cc gasoline engine and 1896 cc Diesel Engine, 5 Speed manual transmission at 50K miles

	Gasoline g/mile	Diesel g/mile	Cert. Level g/mile
CO	1.36	0.2	3.4
HC	0.06	0.03	0.25

Note that the gasoline engine puts out nearly 7 times as much carbon monoxide and twice the amount of hydrocarbons as the diesel engine. While speciation data are not available, the difference in emissions is evidence of why emissions data from the two vehicles are inappropriate to mix and match to increase risk estimates.

Because the combustion process and exhaust gas after-treatment is so different, it is inappropriate to use concentration data from gas or Diesel powered engines to characterize the other. We re-affirm our statement that "because gasoline and diesel engines are fundamentally different, data based on Diesel engines are not an appropriate surrogate for emissions from gasoline powered engines."

#### Section II, Item 22.

Caltrans has agreed with the SWA that if a single molecule of pollution were to reach the reservoir then there is a theoretical elevation of risk. Caltrans concluded, however, that given that because the regional background concentrations are significantly larger than the project generated pollutant concentration, and that because the SWA's water is safe to drink even with the presence of ambient pollution, that the projects related emissions poses no measurable/significant/real risk to the reservoir.

#### Section II, Item 23.

All utilities impacted by the Route 125 South Project will be relocated and/or protected in place during construction. Access to and from the Sweetwater Authority facilities will remain open during construction and after the project's completion.

## Section II, Item 24.

As stated previously, the closure of Quarry Road is a condition of the Route 125/54 (Sweetwater) project. This closure was discussed in the FEIS for the project (October 24, 1994). Sweetwater Authority received copies of the environmental documents for the Route 125/54 project, but did not raise concerns regarding the closure of Quarry Road.

### **Crockett & Company, Inc. and Brummett & Associates (4 Letters dated 3/16/00)**

Response to comment(s):

#### Noise

As the project progresses into the final design process, a design-level noise analysis will be performed for each proposed barrier location. If this analysis confirms the preliminary determination made regarding consideration of abatement measures, the barrier will be designed in detail. Caltrans and California Transportation Ventures (CTV) have committed to continued meetings with the affected community during the design and construction phases of the project. Any changes to the proposed noise abatement measures would be discussed with the parties affected by the changes.

The noise levels shown in the table provided in Section 4.14 of the FEIS for the Preferred Alternative do range from 63 to 66 dBA. The 56 to 67 dBA range would include other alternatives considered/studied. A potential increase in the cost of abatement above the preliminary estimate would not necessarily be a reason to eliminate a proposed abatement measure. Cost is a consideration in the assessment of feasibility and reasonableness. However, the cost analysis assesses the cost in relation to the receptor(s) that are benefitted and has to be considered along with all of the other factors in making a final determination.

Several factors could lead to a change to the preliminary noise abatement recommendations made in the FEIS, such as newly discovered design conditions, revised noise predictions based on more detailed design information, and community acceptance.

#### Air Quality

San Diego County attains federal PM10 standards. San Diego County is non-attainment for state PM10 standards. However, state Law does not require San Diego County to develop a plan for attaining the State PM10 standards (Health & Safety Code 40911).

Microscale air quality impacts were evaluated using the EMFAC7F model to estimate composite vehicle emissions and the CALINE4 dispersion model to estimate carbon monoxide concentrations. The vehicle-type distribution and traffic volumes were required input parameters to emission factor models.

The ambient CO level of 3 ppm used for the project analysis was considered conservative, utilizing a high factor of safety. In a worst case project scenario using the 7 ppm CO background at Chula Vista, there still would not be a predicted exceedance of the State or Federal Ambient Air Quality Standards (AAQS).

Caltrans did not state that there will be no CO concentration impacts. Section 4.15 of the FEIS concluded that the Route 125 South project does not cause or contribute to any new localized CO violations or increase the frequency and severity of any existing CO violations.

The North American Free Trade Agreement (NAFTA) requires Mexican vehicles to meet federal and state emission standards. Enforcement of these standards is the responsibility of the California Highway Patrol. Although NAFTA will require increased attention to emissions from Mexican trucks, the current analysis assumed worst case emissions factors for that portion of the fleet originating in Mexico. For a worst case assessment, an emission factor was generated for the Mexican component with the use of EMFAC7F for the year 1970, while the remainder of the vehicle fleet would use the calculation year of 2010.

#### Loss of Land

The selected alternative would require the acquisition of property owned by the Crocketts. However, the property in question is not part of the playing surface of the Bonita Golf Course; the portion of the parcel impacted is on the east side of Conduit Road. If directly impacted, the costs for replacement of the well would be included in the property appraisal.

#### Loss of Revenue

As discussed above, the selected alternative would require the acquisition of property owned by the Crocketts. A claim for loss of goodwill may be made during the acquisition process. The project appraiser will evaluate the claim and supporting documentation. If the loss is substantial and the claim substantiated, a loss of goodwill appraisal would be prepared by an independent consultant. The goodwill appraisal will be the basis for settlement negotiations regarding the loss of goodwill. The claim for increased liability insurance would be a part of this process as well. Economic losses due to construction activities are not compensable.

#### Construction Impacts and Proximity Impacts

The FEIS did not suggest that the Preferred Alternative would have no effect on the Bonita Golf Course. The playing area of the Bonita Golf Course will not be directly impacted by the selected alternative. However, construction impacts, visual impacts, noise impacts and proximity impacts to the Bonita Golf Course will be substantial. The proposed mitigation measures (see Chapter 4 of the FEIS) will lessen these impacts.

Work on Saturdays is necessary to keep the construction schedule as short as possible. However, on Saturdays all reasonable efforts will be taken to limit construction activities that would create high noise levels.

The Bonita Golf Course is listed in Table S-1 of the FEIS under “Businesses Displaced.”

#### Drainage and Runoff

Please see response 7-11-1 in the FEIS regarding drainage design for the project. At this time, the design for the project is preliminary. Details regarding drainage facilities will be developed as the final design process progresses.

Run-off will not be discharged as concentrated overland flow across the Bonita Golf Course. Drainage will be discharged to adequate drainage facilities that have capacity to convey the discharge of the design year storm event. Appropriate measures will also be taken to ensure that the project does not generate increased storm water run-off (run-off greater than what currently flows through the Sweetwater River and the Bonita Golf Course) that would create an adverse impact to downstream properties.

#### Access and Traffic Circulation

Sweetwater Road/Worthington Street at Route 54 will be temporarily closed to through traffic for 6 to 9 months during the Sweetwater Road realignment and SR 125/54 connector bridge construction. Traffic will be rerouted to Briarwood Road and Paradise Valley Road.

A public awareness program will be developed to inform the public of the detours and construction schedule.

It was noted in response 1-4-36 of the FEIS that truck percentages on toll roads in other areas within the United States range from 0.7% to 11%. The actual truck volumes used for the analysis are listed in the Final Noise Technical Study Report and represent approximately 5.5% of the hourly volume expected to produce the highest noise levels for each segment of highway.

#### **Asaro, Keagy, Freeland & Mckinley (dated 3/16/00)**

Response to comment(s):

Issues regarding economic losses to the Bonita Golf Course will be evaluated during the right of way acquisition process. For information regarding other potential impacts to the Bonita Golf Course, please see above responses to Crockett & Company, Inc. and Brummett & Associates.

### **Sempra Energy (dated 3/23/00)**

Response to comment(s):

Caltrans will continue to coordinate with Sempra Energy during the design process to ensure conflicts are properly identified. Sempra Energy will be provided the Geometric Approval Drawings once the Route 125 South vertical and horizontal geometry is finalized.

Access will be provided to Miguel Substation at all times. Page 4-160 of the FEIS states that temporary on-site detours will be required at San Miguel Road. The on-site detours will require traffic to be rerouted, and will be in place from 9 to 12 months. Final plans for the relocation of San Miguel Road will be provided to SDG&E for review and approval.

Caltrans understands that keeping Tower 13 within the loop ramp at Telegraph Canyon Road is conditioned upon the execution of an indemnification agreement signed by SDG&E, Caltrans and CTV.

SDG&E's required lead times for design and construction of major relocations will be provided to the design-build contractor so that utility relocations will be accurately reflected in the project schedule.

### **Dean Ziegler & Mitigation Working Group (2 Letters dated 3/11/00 & 3/23/00)**

Response to comment(s):

Table 5-1 was included in the FEIS as a summary of and response to the requests of the Mitigation Working Group made during the Mitigation Working Group meetings. The effort among the workgroup members on behalf of their community is appreciated.

#### Trail Mitigation

Further consideration will be given to the community's request to provide funds to mitigate the project's impacts to the rural, open feeling of the existing trail system. Caltrans will work with project partners to provide a local or private funding match.

The expansion of the campground at Sweetwater Regional Park would be a County of San Diego action, not a Caltrans/FHWA action. The County would be responsible for the environmental approval of the expansion, as well as the minimization and mitigation of any trail impacts associated with the expansion.

A bridge crossing Sweetwater River just north of the existing bridge at the Bonita Golf Course will be provided as a part of this project. The bridge will be placed within the existing County of San Diego trail easement.

All new and relocated trails will be surfaced with decomposed granite (DG) and appropriate erosion control measures will be provided.

Mile markers will be added to all new and existing trails within and near Sweetwater Regional Park.

Trail overpasses will be 4.6 meters (15 feet) wide.

The pavement on the north side of the future Quarry Road trail will be removed and replaced with DG.

The trails maps included in the FEIS and Final Section 4(f) Evaluation show existing trails which have County easements as well as several adopted trails that are on public roads. The adopted trails on public roads or park property are also considered existing by the County. The six short loop trails within Park are not officially recognized by the County and, thus, were not included on the figures.

As for the trail at the east end of San Miguel Road, the County of San Diego does have a trail easement for a portion of the trail shown; the other portion is identified on Figure A-39 of the FEIS as a planned trail.

A trail connection between the San Miguel overpass trail and the trail segment within the Route 125 South right of way will be provided.

Caltrans will continue to coordinate with FWS and property owners regarding the Olive Avenue right of way and trail access after all the property ownership issues surrounding the property in question are resolved.

Caltrans will bring the concern to the County that part of the \$250,000 for trail improvements should be used for erosion control and resurfacing of existing trails.

Caltrans is no longer considering the Briarwood trail as part of the mitigation for this project.

#### Mitigation for the Little League

Caltrans will coordinate with the Little League and the County regarding the specifications for the reconfigured ball fields. The conceptual site plan depicted in Figure A-27 of the FEIS was created for hardball fields.



The renovation of the Little League complex will likely require the complex to be closed for one season. If possible, construction will be staged to allow play to continue on a limited number of fields during the renovation. If it is not feasible to allow continued play during renovation, all efforts will be made to assist the Sweetwater Valley Little League in finding an alternate site for games during the season that the complex is closed.

### General Design Issues

The request to revise the circulation element of the County of San Diego General Plan and the City of Chula Vista General Plan to prevent the approval and construction of a north/south arterial through Sunnyside/San Miguel should be addressed to the City of Chula Vista and the County. Neither the FHWA nor Caltrans have the jurisdiction to revise the General Plans.

Effective planning requires proactive action as well as reactive action. Your statement that highway construction should be done only to alleviate existing congestion does not acknowledge the need to engage in proactive planning. Most of the study area for Route 125 South is already developed or committed to development under existing approvals. Most of this development will occur regardless of whether Route 125 South is constructed or not. Existing and committed development is reflected in the SANDAG growth projections on which the traffic analysis is based. As demonstrated in Table 1-4 and Figure 1-8 of the FEIS, congestion will continue to increase on both regional and local facilities in the no build condition (year 2015). With the construction of Route 125 South, traffic analysis demonstrate that more than 70 percent of the local circulation network will achieve a volume improvement and over half will experience improved LOS compared to the No Build Alternative.

As stated in the Final Section 4(f) Evaluation, funding the construction of the fishing facility at Sweetwater Reservoir is no longer proposed as mitigation for this project.

Art murals are no longer proposed on any of the walls to be constructed as part of the project.

Regarding the relocation of the SDG&E transmission lines along Conduit Road, the transmission lines directly adjacent to the Bonita Golf Course, along the west side of Conduit Road will not be relocated and the eucalyptus and pepper trees along the edge of the golf course will be preserved. However, north of the golf course, the transmission line along the eastside of the dirt road at the base of Red Hill will be relocated. These transmission lines will be relocated to the westside of the road and will pass below the Sweetwater River Bridge structures. A portion of the line under the bridges may be placed underground.

The toll system designed by CTV will allow for tolls based upon a fixed fee per trip plus a fee based on distance traveled for vehicles equipped with "Fastrak" electronic transponders, thus lowering the tolls for local residents using a short portion of the Toll Road. Tolls to and from the north at the Mt Miguel Road interchange are expected to be below \$0.50 when the road opens to traffic in 2003.

Please see response 7-11-1 of the FEIS regarding drainage design for the project. As discussed in the Community Mitigation Workgroup meetings, Caltrans will work with the local jurisdictions in order to coordinate the highway drainage design with adjacent drainage systems. However, Caltrans will not commit funding for drainage improvements beyond those necessitated by the highway project.

Sound absorbing pavement is not recognized by FHWA as a noise abatement measure.

### Landscaping and Berms

Tall trees are to be incorporated on the slopes between the highway and Conduit Road to screen views from the golf course and area residences. Large trees will also be utilized to reduce the scale of the Sweetwater River bridge structures. Of course the degree of screening will vary from location to location. Species selection will have to be coordinated with regulatory agencies' restrictions concerning proximity of non-native species to sensitive habitats. Suggestions were also received from the community that these slopes be planted with natives.

During the design process, an agreement with the County will be pursued to allow planting and irrigating tree groupings along the Quarry Road trail. The highway right of way above Quarry Road will be planted and a water source for irrigation established. This source could be extended to supply water to the trees adjacent to the right of way. It is doubtful that there is any other water source available along Quarry Road. Trees along this location would provide intermittent screening of the highway and the retaining walls, from both the trail and the residences to the southeast.

Planting along the base of the slopes along the Conduit Road trail will help to create a pleasant environment for users of the trail. Preserving the existing eucalyptus trees along the golf course and planting additional trees along the east side of the trail will provide scattered shade along the trail. This will provide a more natural visual feeling to the environment surrounding this heavily used trail.

The implementation process for the adopt-a-tree program has not yet been determined. Typically such a program involves the planting of a tree by Caltrans' landscape contractor and the person or persons adopting it are responsible for the watering and maintenance of the tree.

### **Jamul Trails Council and Backcountry Horsemen of California (dated 3/16/00)**

Response to comment(s):

Please see responses to the County of San Diego's and Dean Ziegler's letters above. Further consideration will be given to the community's request to provide funds to mitigate the project's impacts to the rural, open feeling of the existing trail system. Caltrans will work with project partners to provide a local or private funding match if it is decided to pursue federal TEA funds.

## **Preserve South Bay (dated 3/20/00)**

Response to comment(s):

Opposition to the project is acknowledged and included in the record.

Caltrans believes Route 125 South is consistent with Assembly Bill 680 (codified as Section 143 of the Streets and Highways Code). AB 680 was enacted in part to “to more quickly bring reductions in congestion in existing transportation corridors.” As discussed in Chapter 1 of the FEIS, Route 125 South would bring reductions in congestion along existing transportation corridors such as I-5, I-805, East H Street and Telegraph Canyon Road. Please see General Response to Comment #2 in Volume 2 of the FEIS.

Most of the study area for Route 125 South is already developed or committed to development under existing approvals. Most of this development will occur regardless of whether Route 125 South is constructed or not. Existing and committed development is reflected in the SANDAG growth projections on which the traffic analysis is based. As demonstrated in Table 1-4 and Figure 1-8 of the FEIS, congestion will continue to increase on both regional and local facilities in the no build condition (year 2015). With the construction of Route 125 South, traffic analysis demonstrate that more than 70 percent of the local circulation network will achieve a volume improvement and over half will experience improved LOS compared to the No Build Alternative.

Regarding the project’s impact to Area 19, Caltrans does not believe that the approval of the proposed project alignment through the Sweetwater Regional Park violates state law.

Please see response to comment 7-11-1 in the FEIS regarding drainage design for the project. As was discussed in the Community Mitigation Workgroup meetings, Caltrans will work with the local jurisdictions in order to coordinate the highway drainage design with adjacent drainage systems. However, Caltrans will not commit funding for drainage improvements beyond those necessitated by the highway project.

Regarding potential for pollution from runoff, Caltrans is also committed to implementing storm water management practices to reduce the discharge of pollutants to the maximum extent practicable, as required by the Clean Water Act (CWA) and the federal storm water regulations. Caltrans’ Standard Specifications and the terms and conditions of the National Pollution Discharge Elimination System (NPDES) permit will be implemented for pollutant controls. For a detailed discussion of the measures to be taken, please see response to comment 1-4-11 in Volume 2 of the FEIS.

The project will change the community character in Bonita. Construction impacts, visual impacts, noise impacts and proximity impacts to Bonita will be substantial. Caltrans has worked with the community to develop mitigation measures (see Chapter 4 of the FEIS) which will lessen these impacts; however, the impacts will remain. Impacts to the character of the EastLake community are less because the community of EastLake was developed with a reserved corridor that could be used for the proposed highway. The selected alternative through EastLake is compatible with the existing and planned development for the community. The project will not have a substantial impact on air quality

Every effort has been made to avoid and minimize the impacts to Sweetwater Regional Park (see Final Section 4(f) Evaluation), but the direct and indirect impacts to the park will remain substantial. Through coordination with the County Department of Parks and Recreation, extensive mitigation has been developed for impacts to Sweetwater Regional Park (see preceding Section 4(f) discussion in this ROD for details). Caltrans has also worked with the County, the community, and Little League officials to develop a comprehensive renovation plan for the Little League facility (see preceding Section 4(f) discussion in this ROD for details). The community has expressed strong support for the Little League mitigation plan.

Eight federally listed endangered or threatened species will be directly, indirectly, or cumulatively impacted by the proposed project: coastal California gnatcatcher, least Bell's vireo, San Diego fairy shrimp, quino checkerspot butterfly, San Diego button-celery, Otay Mesa mint, spreading navarretia, and Otay tarplant. The least Bell's vireo, San Diego button-celery, Otay Mesa mint and Otay tarplant also are State listed as endangered. The cumulative effects on biological resources are also substantial (see Section 4.20 of the FEIS as well as Appendix C). As discussed in Section 4.6 of the FEIS, impacts to biological resources have been minimized to the fullest extent practicable and mitigation measures will be incorporated in the project design to reduce effects to sensitive species. Development impacts of related projects would be reduced through implementation of specific mitigation measures consistent with the MSCP. A "No Jeopardy Finding" has been issued by the FWS pursuant to Section 7 of the Endangered Species Act (See Section 4.6, of the FEIS, for further discussion of the Section 7 consultation and Appendix I of the FEIS for a copy of the Biological Opinion).

As discussed in Section 4.6 of the FEIS, impacts to stockpen soils associated with vernal pools will result from this project. As part of the mitigation plan for Route 125 South, Caltrans is pursuing acquisition of the New Millennium Parcel. The New Millennium parcel on Otay Mesa is located adjacent to the 4.8 hectare (12 acre) parcel identified as the mitigation site for direct impacts to vernal pools and adjacent to the FWS Vernal Pool Stewardship Area. The parcel will expand the Vernal Pool Stewardship Area, and will provide additional buffers for vernal pool resources within the Stewardship Area and the 4.8 hectare (12 acre) vernal pool mitigation site. The parcel also includes Stockpen soils, and may provide suitable substrate for future vernal pool enhancement/restoration activities.

Caltrans acknowledges your concerns regarding the growth inducing impacts and cumulative impacts of the project. Most of the study area for Route 125 South is already developed or committed to development under existing approvals and will occur regardless of whether Route 125 South is constructed or not. As part of the regional transportation system, the project will expand access to existing developed areas and provide new or improved access to previously undeveloped land. The Route 125 South project is expected to effect the rate of growth in the short term, and on the location and total amount of growth over the long term. Caltrans will coordinate with the County and other local jurisdiction to lessen the growth inducing impacts and cumulative impacts of this project and other proposed developments. Regardless of these efforts, however, the growth inducing and cumulative impacts will remain.

**Several letters similar to the Preserve South Bay comment letter were received from the following individuals: Chester Nelson (3/20/00), Sandra Groves (3/22/00), Ed Hillman (3/23/00), Kevin and Susan Killacky (3/24/00), Judy Rosenthal (3/27/00), Jacobo Melcer (3/31/00), Donna Sandoval (4/04/00), E.P. Van Ammeril (04/06/00), Peggy Pettit (4/12/00), Thomas Ryan (4/28/00), Marianne Greene (5/04/00), William and Josephine Routhier (5/02/00), and Anne Bolonzi (5/07/00).**

The majority of the issues presented in those letters are included in the above responses to comments. The remaining issues are responded to below:

The Route 125 South tollway will not add traffic to existing roads and freeways, but will offer an alternative route to existing and future residents, thus reducing traffic and relieving congestion from local roads and other freeways (I-5, I-805) compared to the no-build alternative (Please refer to Table 1.4 in the FEIS).

Most local residents are expected to get "FasTrak" electronic transponders (already in use on the I-15 Express Lanes and on Orange County Toll Roads), allowing them to pay tolls based upon actual distance traveled on the Tollway. For example, residents of EastLake or Rolling Hills Ranch using the East H Street Interchange to or from the north would pay around \$0.60 with "FasTrak". The average toll paid by local residents using "FasTrak" is expected to be approximately \$1.20, not \$3 or \$4.

The potential impacts to the Sweetwater Dam and the surrounding terrain have not been overlooked. They are currently under investigation as is the continuing safety and well being of the local community. The live load vibrations of cars and trucks were considered in designing foundations for the Sweetwater River bridges. The bridge columns were designed such that the vibrations from the bridge deck will have a negligible effect on the bridge footings. A nonvibratory method involving cast in place drill holes will be used during the construction of the Sweetwater Bridges. There will be no need for pile driving. Therefore, there will be no impact to the dam which is more than 610 meters (2000 feet) away from the bridges.

The franchise agreement does grant airspace lease options within the corridor to the franchisee for a period of up to 99 years in accordance with the enabling legislation (Streets and Highway Code 143) and a 1991 resolution by the California Transportation Commission. The air space leases would require separate environmental review.

Regarding concerns about Sweetwater Reservoir, experts at UC Davis have found no evidence that emissions from vehicles traveling on Route 125 South would result in a substantial health threat to Sweetwater Reservoir customers (Proposed Route 125 South Air Emissions and the Sweetwater Reservoir, July 1999).

Currently, Koch Industries' contribution to the project is strictly financial. Caltrans and CTV will have environmental monitors on site whenever construction is occurring in sensitive areas, such as waterways.

The funding for the "Route 54 Connector" referred to in the comment ("approximately one third of the total estimated cost of constructing the road") was approved by San Diego County voters in 1987 as part of the "Transnet" ½ cent sales tax transportation program.

Because there was still no funding for the segment of Route 125 South of San Miguel Road, this segment was proposed by CTV and selected by Caltrans in 1989 to be built and operated as a toll road under AB 680.

Tolls collected on the Toll Road will be used only for operation and maintenance, and for reimbursing the funding of the Toll Road segment, including a "reasonable return on investment" as allowed by the AB 680 legislation.

Please see General Response to Comment #1 of the FEIS regarding the purpose and need for the project. The selected alternative has been designed in coordination with the Metropolitan Transit Development Board and the 1993 South Bay Public Transportation Plan. The Route 125 South median will be wide enough to provide for possible HOV lanes or transit in the future. Right-of-way for a proposed future Light Rail Transit (LRT) line has been reserved adjacent to the tollway at the southern end of the project. The profile grades for the project is controlled by the maximum allowable grade for LRT. However, as concluded in the Major Investment Study (MIS) for the proposed project, it is not realistic to expect that the planned transit improvements, when combined with Transportation Systems Management (TSM) actions, would efficiently serve the traffic predicted in the corridor.

**Norman D. and Jerilynn Palmer (dated 3/14/00)**

Response to comment(s):

Caltrans recognizes the obvious concern this project has caused and understand the opposition to the realignment of Sweetwater Road and the detrimental effect it will have to your property.

Because the Grant House (5771 Sweetwater Road) was found eligible for listing in the National Register of Historic Places, it is protected by Section 4(f) of the U.S. Department of Transportation Act. Under this act, federally funded transportation project cannot use historically significant properties unless there is no feasible and prudent alternative to the use of the property and all measures have been taken to minimize harm to the property. Accordingly, the design of the Sweetwater Road realignment was shifted to the east. Though the Grant House will be used for commercial purposes, it does not change its eligibility for listing on the National Register and Section 4(f) still applies.

As stated in a previous response, your home was evaluated as part of the historic architectural survey and was found ineligible for listing on the National Register of Historic Places and the California Register of Historical Resources. It was ineligible because the home has been moved and its structure has been modified.

Right-of-way appraisal and acquisition will be as expeditious as possible following the approval of this ROD.

**Walter and Sandra Groves (dated 3/10/00)**

Response to comment(s):

Based on SANDAG's assessment of the ability of the circulation system to accommodate projected traffic demand in San Diego County, Route 125 South is a key component of the Regional Transportation Plan to accommodate anticipated growth in traffic volumes and to reduce congestion and vehicle miles traveled for trips originating in and/or destined for the South Bay. Please see General Response #1 in Volume 2 of the FEIS for further details.

The project will change the semi-rural character of Bonita/Sunnyside. With the community's help, Caltrans has tried to lessen the impacts to the community.

**Jeff Hunt (3 Letters dated 3/10/00, 3/15/00 & 3/15/00)**

Response to comment(s):

Noise

Based upon a review of location, the preliminary noise assessment remains unchanged. However, Caltrans will reassess the potential for extending the proposed berm on the northbound side of the highway as a way to reduce and/or eliminate the need for a barrier wall, which may reduce the cost and make the provision of abatement reasonable. This will be done during final design when more detailed information will be available.

Relocation

Every effort will be made to find replacement housing with characteristics similar to those of your current home. At the time that the Final Relocation Impact Statement was prepared in April 1998, it was determined that adequate replacement housing was available.

San Miguel Road Trail

The County of San Diego does have a trail easement along a portion of San Miguel Road; the remaining portion of the trail is identified on Figure A-39 of the FEIS as a planned trail.

Trail overpasses similar to the those planned for Route 125 South are currently being used by equestrians in Norco, California, to cross Interstate 15. According to the Caltrans District 8 Claims Department, no claims of injury have arisen from equestrian use of the Norco overpasses to date.

**Mrs. A. Cardoso (dated 3/09/00)**

Response to comment(s):

All of the highways and improvements mentioned in your letter (SR 54, I-15, SR 905, and SR 125) are needed to provide an efficient transportation system to meet current and anticipated future transportation needs. Delaying the construction of any of these projects until the others are completed would not be feasible since they all have separate utility and are all currently needed. In addition, building the projects sequentially instead of simultaneously would lengthen the amount of time the surrounding communities are subject to construction impacts.

Regarding the concerns about Sweetwater Reservoir, experts at UC Davis found no evidence that emissions from vehicles traveling on the Route 125 South would result in a substantial health threat to Sweetwater Reservoir customers (Proposed Route 125 South Air Emissions and the Sweetwater Reservoir, July 1999).



Likewise, Caltrans has no evidence that building Route 125 South will lead to increases in smuggling, illegal immigration, smog, and litter.

Caltrans understands your concern regarding urban blight; however, as transportation agencies, FHWA and Caltrans do not have the means to solve this problem. Concerns regarding urban blight are better addressed to local and state planning agencies and to local, state, and federal governments.

**Bonnie Wyllie (dated 4/03/00)**

Response to comment(s):

The project will change the community character in Bonita. Construction impacts, visual impacts, noise impacts and proximity impacts to Bonita will be substantial. Caltrans has worked with the community to develop mitigation measures (see Chapter 4 of the FEIS) which will lessen these impacts; however, the impacts will remain.

Caltrans acknowledges your concerns about the growth inducing impacts and cumulative impacts of the project. As part of the regional transportation system, the project will expand access to existing developed areas and provide new or improved access to previously undeveloped land. The Route 125 South project is expected to effect the rate of growth in the short term, and on the location and total amount of growth over the long term. Caltrans will coordinate with the County and other local jurisdiction to lessen the growth inducing impacts and cumulative impacts of this project and other proposed developments. Regardless of these efforts, however, the growth inducing and cumulative impacts will remain.

**Ray Ymzon (dated 3/20/00)**

Response to comment(s):

Most of the study area for Route 125 South is already developed or committed to development under existing approvals. Most of this development will occur regardless of whether Route 125 South is constructed or not. Existing and committed development is reflected in the SANDAG growth projections on which the traffic analysis is based. As demonstrated in Table 1-4 and Figure 1-8 of the FEIS, congestion will continue to increase on both regional and local facilities in the no build condition (year 2015). With the construction of Route 125 South, the traffic analysis demonstrates that more than 70 percent of the local circulation network will achieve a volume improvement and over half will experience improved LOS compared to the No Build Alternative.

The Franchise Agreement between Caltrans and CTV does address the issue of competing highway facilities. The Franchise Agreement does restrict the construction of new facilities (freeways or tollways) by Caltrans within a defined "Franchise Zone" without compensating the franchisee for revenue loss. However, the Franchise Agreement places no restrictions on construction of competing facilities by local jurisdictions nor on the development of any future safety projects nor projects proposed in the 2000 RTP.

Caltrans believes Route 125 South is consistent with Assembly Bill 680 (codified as Section 143 of the Streets and Highways Code). AB 680 was enacted in part to "to more quickly bring reductions in congestion in existing transportation corridors." As discussed in Chapter 1 of the FEIS, Route 125 South would bring reductions in congestion along existing transportation corridors such as I-5, I-805, Otay Mesa Road, East H Street and Telegraph Canyon Road. Please see General Response to Comment #2 in Volume 2 of the FEIS.

In response to requests from elected officials and members of the public, Horseshoe Bend/CAC Variation (HB/CAC) was given additional study and consideration. Caltrans acknowledges that the HB/CAC Variation would have reduced noise and visual impacts to the community slightly more than the selected Alternative; however, it would have greater impacts to other sensitive resources than the selected alternative.

The HB/CAC Variation would have bisected the Sweetwater Regional Park, a resource protected by Section 4(f) of the U.S. Department of Transportation Act, and would have limited the County of San Diego's plans for future park expansion. It would have directly impacted the park's existing kitchen and pavilion facilities, and the day use park. In addition, Sweetwater Authority has expressed concern about any alignment which would be within or near the watershed of Sweetwater Reservoir. The CAC Variation would have been closer to the reservoir than the Selected Alternative. Lastly, it would have resulted in greater impacts to biological resources within the park and would have fragmented the sensitive habitat in the area.

Caltrans coordinated with the community and elected official numerous times throughout the environmental process for the project. Records of Public Hearing were prepared following the May 12, 1999 SDEIS public hearing, as well as the August 15, 1996 DEIS public hearing. These records, which include all substantive comments and court transcripts received at the hearings, are available for review at the Caltrans, District 11 Office. Comments on the SDEIS, which raised substantive environmental issues not previously addressed at the DEIS stage or in other comment letters, were responded to in Volume 2 of the FEIS. Your comment letter of May 23, 1999 with responses was included in Volume 2 of the FEIS.

The transmittal letter for the FEIS accurately stated that the comment period would close 30 days after the Notice of Availability was published in the Federal Register on February 18, 2000. The address of the FHWA office is on the cover sheet of the document. The comment period for the FEIS was not extended; however, all comments received will become part of the project record.

**Janet Remington (dated 3/18/00)**

Response to comment(s):

The statement that two Orange County Toll Roads are “on the brink of financial disaster” is not accurate. As both the SR-91 Express Lanes and the San Joaquin Hills Toll Road (SR-73) are meeting their payment obligations. The number of “FasTrak” electronic transponders distributed now exceeds 300,000 and the number of users continues to increase regularly.

These projects are not subsidized by the public, but are financed by Revenue Bonds, private equity (SR-91) and Development Impact Fees from private Developers (SR-73).

With regard to the EIRs, these two projects are providing travel time and distance savings and a valuable service to users willing to pay a toll. They are also helping to relieve some of the traffic congestion on parallel roads (SR-91 and Interstates 5 and 405 respectively). In addition, if the projected traffic volumes assumed in the projects’ EIRs were higher than actual traffic levels on these toll roads, the projects’ environmental impacts related to traffic (such as noise impacts) are lower than estimated in the EIR. This was a conservative assumption made as a part of the environmental process and should not be considered a “fatal flaw.”

The traffic projections that are derived from traffic modeling are simply estimates of future traffic. While every effort is made to ensure the projections are as accurate as possible (see Section 1.8.2 of the FEIS), the traffic projections frequently do not match exactly the actual future traffic.

For the noise analysis included in the Route 125 South FEIS, freeway traffic volumes were used; this constitutes a conservative approach to the analysis.

**Nancy Lemke (dated 3/21/00)**

Response to comment(s):

Opposition to the project is acknowledged and included in the record. Construction impacts, visual impacts, noise impacts and proximity impacts to Bonita will be substantial. Caltrans has worked with the community to develop mitigation measures (see Chapter 4 of the FEIS) which will lessen these impacts.

**Janet and Michael Konst (dated 4/15/00)**

Response to comment(s):

Opposition to the project is acknowledged and included in the record. Based on the SANDAG's assessment of the ability of the circulation system to accommodate projected traffic, demand in San Diego County, Route 125 South is a key component of the RTP to accommodate anticipated growth in traffic volumes and to reduce congestion and vehicle miles traveled for trips originating in and/or destined for the South Bay. Please see General Response #1 in Volume 2 of the FEIS for further details.

The project will change the semi-rural character of Bonita/Sunnyside. With the community's help, Caltrans has tried to lessen the impacts to the community. Please see Chapter 4 of the FEIS for additional information.

**Deborah Gotfried (dated 4/16/00)**

Response to comment(s):

Support of the No-Build alternative is acknowledged. As stated in the FEIS and the Final Section 4(f) Evaluation, the project will have impacts to the Bonita-Sunnyside community, the Sweetwater Regional Park, and the hiking and riding trails which wind through the area. While Caltrans has proposed numerous mitigation measures for these impacts (see Chapter 4 of FEIS), their effects will remain.

As discussed in Section 4.6 of the FEIS, impacts to sensitive species have been minimized to the fullest extent practicable and mitigation measures will be incorporated in the project design to reduce effects to these species. A "No Jeopardy Finding" has been issued by the FWS pursuant to Section 7 of the Endangered Species Act (See Section 4.6, of the FEIS, for further discussion of the Section 7 consultation and Appendix I of the FEIS for a copy of the Biological Opinion).

Regarding the benefits of and need for the project, please see Chapter 1 of the FEIS and General Response to Comment #1 in Volume 2 of the FEIS. Based on the San Diego Association of Government's assessment of the ability of the circulation system to accommodate projected traffic demand in San Diego County, Route 125 South is a key component of the Regional Transportation Plan to accommodate anticipated growth in traffic volumes and to reduce congestion and vehicle miles traveled for trips originating in and/or destined for the South Bay.

**Ralph Pettit (dated 4/11/00)**

Response to comment(s):

Support for the No-Build alternative is noted. Caltrans understands your concern regarding the effects of the project on the people within the project corridor. As Caltrans has stated previously, the project will change the semi-rural character of Bonita/Sunnyside. With the community's help Caltrans has tried to lessen the impacts to the community as much as possible. While the project is privately funded, the primary goal of the project is to provide the South Bay with a safe and efficient transportation system.

**Virginia Stewart (dated 4/17/00)**

Response to comment(s):

Opposition to the project is acknowledged and included in the record. Regarding the concerns about Sweetwater Reservoir, experts at UC Davis have found no evidence that emissions from vehicles traveling on the Route 125 South would result in a substantial health threat to Sweetwater Reservoir customers (Proposed Route 125 South Air Emissions and the Sweetwater Reservoir, July 1999).

The Orange County toll roads are being used by motorists in the area. The number of "FasTrak" electronic transponders distributed now exceeds 300,000 and the number of users continues to increase regularly. These two projects are providing travel time and distance savings and a valuable service to users willing to pay a toll. They are also helping to relieve some of the traffic congestion on parallel roads (SR-91 and Interstates 5 and 405, respectively). As discussed in Chapter 1 of the FEIS, Caltrans expects similar decreases in regional and local traffic as a result of Route 125 South.

Currently, Koch Industries' contribution to the project is strictly financial. Caltrans and CTV will have environmental monitors on site whenever construction is occurring in sensitive areas, such as waterways.

The project will change the semi-rural character of Bonita/Sunnyside. With the community's help, Caltrans has tried to lessen the impacts to the community as much as possible, but adverse effects will remain.

## **Conclusion**

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Based upon a careful consideration of all the social, economic, and environmental evaluations contained in the final environmental impact statement; the input received from other agencies, organizations, and the public; and the factors and project commitments outlined above, it is the decision of the Federal Highway Administration to select the tollway operational alternative along the following segments: Brown Field Modified Revised, Otay Ranch, EastLake, Horseshoe Bend Modified, Conduit Road East. This alternative was identified as the preferred alternative in the Federal Highway Administration and California Department of Transportation final Environmental Impact Statement (FHWA-CA-EIS-96-01-F).

## **Record of Decision Approval**

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**JUNE 9, 2000**

Date

**/s/ M. G. Ritchie**

Michael G. Ritchie

California Division Administrator

Federal Highway Administration

## **ATTACMENT “A”**

### **NEPA/404 COORDINATION WITH THE ARMY CORPS OF ENGINEERS FOR 125 SOUTH**

**BOLD = Coordination with the Corps**

- 6/2/94:** Letter to John Gill of the Corps requesting concurrence on Purpose and Need, Criteria for Alternative Selection, Project Alternatives, and Cooperating Agencies.
- 5/25/95:** Letter sent to Mark Durham asking for the Corps' determination of the appropriate permits required for this project (NWP or Individual).

A letter from Mark Durham, dated 8/10/95, stated that the project probably qualifies for NWPs so that it would no longer be necessary to follow the formal NEPA/404 process.

- 3/25/98:** Letter sent to Mark Durham stating that 125 South no longer qualifies for a NWP and would be reentering the NEPA/404 process.
- 6/22/98:** Application for final phase of NEPA/404 was submitted to Army Corps (Terry Dean).
- 7/23/98:** Submitted LEDPA matrices for their review and asked that a meeting be arranged in which we could try to establish the LEDPA.
- 8/7/98:** Left a voice mail message with Terry Dean requesting a response to the wetland delineation submittal.
- 8/12/98:** Spoke with Terry Dean about arranging a meeting to discuss the LEDPA. A meeting was arranged for Monday, August 17<sup>th</sup>, however, it will be rescheduled to a time when EPA can attend (possibly the last week in August). Terry will organize the next meeting.
- 8/13/98:** Faxed Terry Dean an updated version of the LEDPA matrix.
- 8/20/98:** Left message on Greig Peter's voice mail requesting a meeting on Aug. 31.
- 8/26/98:** Left a voice mail requesting a meeting on Aug. 31, and informing him that I sent him a package with information about the project.
- 8/31/98:** Spoke with Greig Peters with RWQCB about setting up a meeting.
- 9/1/98:** Received confirmation from Muggs, John, Susanne, and Laurie that meeting on the 9<sup>th</sup> at 1:30 will work for everyone. Left a voice mail with Greig Peters to see if he is available at that time - - left my number as well as John's.
- 9/10/98:** Muggs, Susanne, and Laurie met with Greig Peters w/ RWQCB to brief him on the project. Susanne needs to know what level of detail of plans we need to submit for permits. John is unsure because this is design-build—a new thing.
- 9/21/98:** Spoke with Terry Dean about the rumor of LEDPA meeting on the 29<sup>th</sup>. He said he would call Susan Wynn with USFWS and would call me back. Need to inform CT people of the possibility of a meeting that day; also need to book a

- room.
- 9/29/98:** Had LEDPA meeting. EPA and Corps requested information on indirect impacts for all alternatives. June Collins is working on that.
- 10/1/98:** Went out to verify wetlands delineation with Corps and Consultant.
- 10/7/98:** Need to draft letter to send out minutes. Check in with Kelly in a day or two to find out timeline for indirect impacts info. And tentative date for next LEDPA meeting.
- 10/19/98:** Spoke with Jason Jackson with NRCS—he's waiting for information (wetlands outlined and copies of data sheets) from Gerry Scheid with Recon before he can write his letter of concurrence; Left a voice mail message with Gerry asking when we can expect this transaction to occur
- 10/20/98:** Had 2<sup>nd</sup> LEDPA Meeting; discussed indirect impacts; set up meeting for the 29<sup>th</sup> (1:30) to discuss all impacts to waters, wetlands, and pools 100 feet from the direct impacts
- 10/29/98:** LEDPA meeting; EPA was not present; more information regarding the golf course and socioeconomic impacts was requested.
- 11/5/98:** Sent letter to Terry Dean asking for written verification of jurisdictional determination of wetlands.
- 11/10/98:** Sent supplemental info. that was requested at previous LEDPA meeting to all resource agencies and to in-house participants as well. Also sent a letter to the Corps formally requesting a LEDPA determination.
- 11/30/98:** Left voice mail with Terry Dean—asked him the status of wetland delineation concurrence letter and status of LEDPA determination—updated Muggs.
- 12/3/98:** Received wetland delineation concurrence letter from NRCS. Terry should have LEDPA determination by the end of this month or early January.
- 12/28/98:** Left a voice mail message with Terry Dean reminding him that the 45-day period for the LEDPA determination ends on December 30 (he's out of town until 1/4/99).
- 1/5/99:** Left a voice mail asking for LEDPA determination ASAP.
- 1/6/99:** Left another voice mail asking for LEDPA. Later spoke with Terry Dean. He is trying to contact Becky Tuden before he makes his decision. He will call me by the early next week with the LEDPA. We should receive the letter shortly after.
- 1/11/99:** Left voice mail message with Terry Dean. Spoke with Terry Dean. The Corps' LEDPA determination was Conduit Road West. Informed Muggs and John of the Corps' selection. Tried to set up a tele-conference call with Terry.
- 1/12/99:** Tele-conference with Terry Dean, Jeff Lewis, Susanne Glasgow, Muggs Stoll, and myself. According to Terry, the issue is that the East alignment hits biological resources within the County Park while the West alignment only hits the golf course. The impacts to the golf course are a smaller impact in his opinion as well as EPAs. Muggs asked Terry to reevaluate after their discussion and call him in a couple of days. Muggs stressed that he would like to settle the LEDPA matter at this level, however, it may become necessary to go to the Colonel (arbitration).



**3/2/99:** Received copy of Bio Opinion. Sent a copy to Terry Dean and Mark Durham. Should receive LEDPA decision within a few days.

**4/1/99:** Supplementals were sent out to the agencies.

9/30/99: 401 application sent out. Sent memo in-house requesting a mitigation plan to submit to the agencies. Was told by Kelly that the Mitigation Plan is part of the Biological Opinion (BO). Kelly asked me about EPA's concurrence letter for the LEDPA.

10/20/99: Sent in 1601 application.

11/3/99: Spoke with David Carlson in NY. He said from now on to send everything to Becky Tuden; she will then forward pertinent info. to him.

11/24/99: Sent full package (bio report and bio assessment again and Mitigation Plan for the first time); received permit to enter for CDFG's site visit

**11/23/99:** sent - full packages to USFWS, EPA (Tuden and Farrel); letter to Corps asking for their approval of the Mit. Plan; cc'd: Muggs, CTV, FHWA

11/30/99: David Farrel with EPA called to confirm that he received package.

12/9/99: Went to field with Don Chadwick with CDFG, Gerry Scheid with Recon, and Alberto Gayon with Caltrans

**12/17/99:** Spoke with Terry Dean. Asked him the status of his review of the mitigation plan. He did not know. He had questions about if the project had been downsized from 6 lanes to 4 lanes. Susanne emailed him a confirmation stating that the project had not changed since the Corps' LEDPA determination.

12/21/99: Sent wetland delineation to Don Chadwick with CDFG.

1/4/00: Left message with Greig Peters asking status of 401 waiver.

**1/5/00:** Spoke with Terry Dean. He will try to get comments out re: Mitigation Plan by next week, mid-week.

1/11/00: Spoke with Don Chadwick; asked him when I can expect to get the 1601 permit; he said he's trying to coordinate with Terry Dean so he needs a minimum of 30 days; I told him I'd check with him mid-February; Spoke with Becky Tuden. She has questions regarding # of lanes and indirect impacts.

**1/12/00:** Spoke with Terry Dean. He will try to get the letter out today or tomorrow regarding mitigation plan. Faxed him and Becky Tuden information Becky had requested on 1/11.  
Left another message with Greig Peters (have not heard back yet). Spoke with Becky Tuden. The conditional concurrence letter for the LEDPA and mitigation plan is being signed. Should receive by Friday.

**1/13/00:** Received conditional concurrence letters from both the Corps and EPA.

2/3/00: Dropped off additional information (Project Report showing culverts and bridges, BMP Memo) to CDFG and RWQCB. Spoke with Don Chadwick regarding new information.

2/9/00: Left voice mail message with Greig Peters regarding status of 401 permit/waiver.

2/24/00: Sent letter to RWQCB requesting waiver by 15 March 2000. Left message with Don Chadwick asking for 1601 permit by the same date.

3/10/00: Returned Don Chadwick's call. Discussed temporary impacts and proposed mitigation for these. Exchanged emails with June Collins. There was still confusion

so suggested that Don talk directly with June.

4/3/00: Received 1601 permit.

4/4/00: Forwarded copies of the 1601 to: Laurie Berman, Kelly Dunlap, Robert Garin, June Colins, Pam Beare (forwarded by Bruce/Chris) for comment; Discussed possible revisions to the 1601 (ie. changing project proponent's name to CTV)

**4/5/00: Jeff Lewis inquired about the status of the Public Notice. Spoke with Terry Dean, who requested that a complete application package, including application, maps, and mailing labels be included so that he can do the Public Notice.**

**4/17/00: Left a message with Greig Peters asking the status of the 401.**

**4/21/00: Sent Public Notice package to the Corps (LA and SD offices)**

**5/2/00: Spoke with Terry Dean re: the Public Notice. He said he did not receive the package I sent to his office on 4/19/00. The LA office received it on 4/24/00. He will have them overnight a copy of it to him if he cannot locate it. I told him what I included in his package. He will also need 8 1/2 x 11 plans of the project and project area. Terry explained the Public Notice timeline to me (30 day comment period for the Corps, 60 day comment period for RWQCB). He also informed me that CTV will be required to pay a \$100 permit fee since they are a private developer. The Public Notice process, including response to comments period, should take approximately 4-6 months, according to Terry.**

**5/3/00: Sent 8 1/2 x 11 plans to Corps LA and SD office. Left a message with Terry Dean telling him to look for a package that should be arriving in a big blue envelope either on Thursday or Friday. I also asked him if he was able to find the previous package I sent to him, or if he was at least able to get that overnighted to him from the LA office.**

**5/4/00: Terry returned my call. I informed him that I will be sending more detailed maps, showing areas of Corps jurisdiction. These will be included in the Public Notice. I will also send another copy of the permit application and mailing labels, as the LA office was not able to locate their package either (although I received a return receipt that was signed on 4/24/00). He will be looking for two big blue envelopes that should arrive early next week. I have asked him to call me after he receives those two packages to let me know if he now has everything that he needs to put together the Public Notice.**